ENVIRONMENTAL APPEAL BOARD

ANNUAL REPORT: JANUARY 1, 2001 – MARCH 31, 2002

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Environmental Appeal Board Annual Report 2001

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(Photos made possible thanks to Marian and Kathryn fluker)

ENVIRONMENTAL APPEAL BOARD ANNUAL REPORT 2001

MESSAGE FROM THE CHAIR

The year 2001 was one of growth and change for the Environmental Appeal Board as it has adapted to meet the growing challenges in administering its mandate of environmental stewardship and fair resolution of environmental concerns. The Board continues to strive for excellence in achieving its goals and objectives and fulfilling its mission in an efficient and effective manner.

The number of appeals before the Board remained high in 2001, up dramatically from the Board's inception in 1993. A portion of the increase in appeals can clearly be attributed to the *Water Act*, as appeals related to water approvals (including preliminary certificates and licences) surpassed appeals under the *Environmental Protection and Enhancement Act* in 2001. It is clear that development, natural conditions, and allocation of water in Alberta are factors which will likely become more contentious, and I suspect will be appealed more frequently in the future.

Throughout 2001 the Board was cognizant of its duty to fairly balance economic and environmental factors during the appeal process in order to ensure decisions and recommendations, are both fair and effective. This balancing of interests was particularly relevant in 2001, as the Board was presented with several appeals where the effects were broad in scope both in terms of their environmental impact and industrial cost. The Board strives to be impartial and weigh all evidence before it in the interest of environmental stewardship and economic prosperity for all Albertans.

The Board's membership also changed in 2001, due to Dr. Crowther's departure to pursue other opportunities. This vacancy was filled by Mr. Ron Hierath who joined the Board in September 2001. Mr. Hierath has been a farmer in the Milk River area since 1965. He was a member of the Alberta Legislature from 1993-2001, serving as the Chairman of the Standing Policy Committee on Agriculture and Environment, and Chairman of the Health Facility Review Committee. Mr. Hierath has also served as a Board Member for the Agriculture Development Corporation, and has a broad policy background and business experience which will further increase the Board's expertise and decision-making capabilities.

The Board's staff underwent some additional changes as the previous position of Executive Director and Registrar of Appeals was divided into two positions. This reorganization was critical for the Board's success due to the increased complexity and size of the appeals coming before the Board. Ms. Valerie Higgins took over as the Registrar of Appeals for the departing Ms. Sheryl Kozyniak, and longtime Office Manager Ms. Denise Black took over the position of Board Secretary, which encompasses both the Office Manager and Executive Director's duties. By dividing this position the Board has increased the efficiency and productivity of the staff as a whole. The Board also hired Ms. Marian Fluker as Senior Research Officer whose contribution will increase the quality, speed, and consistency with which the Board's publications are prepared. To complete the staffing changes, the Board hired Ms. Debra Makaryshyn as an Administrative Assistant whose presence serves to increase the Registrar's ability to manage the appeal load and the Board's overall efficiency.

Further, the Board continues to emphasize its alternative dispute resolution program, working toward greater efficiency and improved outcomes for all parties that come before the Board. The success of the Board's processes is reflected in the fact that the Board's decisions continue to be published in the Canadian Environmental Law Reports, the Administrative Law Reports and the Alberta Law Reports, which I hope suggests that the reasoning of the Board is both relevant and understandable.

The Board's continued goal is to provide the efficient and timely settlement of appeals. In order to achieve this goal, the Board has continued to evaluate its procedures and programs toward reducing the time, cost, and complexity of the appeal process. The hard work and efforts of both the Board Members and staff over the past year have been instrumental in making the year a success. I look forward to the new challenges ahead as the Board continues to fulfill its mandate. Once again, I feel privileged to serve as Chair on the Board and pledge to strive for excellence in 2002.

William A. Tilleman, Q.C

INTRODUCTION

This 2001 Annual Report contains an explanation of the purpose, structure, and function of the Environmental Appeal Board (Board). It includes an explanation of how the appeal process is conducted, statistics on appeals filed, and a financial overview. It also describes the principles under which the Board operates and the strategies it employs to achieve its objectives.

This year the period encompassed by this report has been altered slightly as the Board has changed its fiscal year-end from the traditional date of December 31 to March 31. Therefore, this Annual Report encompasses January 1, 2001, to March 31, 2002. This shift in year-end was completed in order to bring the Board into line with the Alberta government's broader business planning. As a result, the enclosed statistics for 2001 will be somewhat altered as they are based on a 15 month period as opposed to the traditional 12 month period. This shift has the further affect that the numbering system for appeals, which the Board has adopted, has been changed from being tied to the calendar year to being tied to the fiscal year. As a result, appeals filed after April 1, 2002 will begin being numbered 02-001.

BACKGROUND

The Alberta government initiated the task of restructuring environmental legislation in Alberta in 1988 by asking the Review Panel on Environmental Law Enforcement to make recommendations to strengthen the enforcement of Alberta's environmental statutes. The initiative resulted in the June 1990 release of a discussion draft of the *Environmental Protection and Enhancement Act* (EPEA or Act), released by the Honourable Ralph Klein, then Minister of Environment. The draft contained several sections establishing "boards of review" (similar to those under the *Canadian Environmental Protection Act*) to hear appeals on certain specified matters.

In the fall of 1990, the government appointed the Environmental Legislation Review Panel to conduct public meetings throughout the province to gather written and oral submissions. It became obvious to the Panel as a result of the public meetings that there was a need for a legislative balance between public concerns over the environmental impacts associated with industrial development, and the concerns of regulated industries that they were either being treated unfairly by government regulators, or being required to meet government regulations that were too stringent. The Panel submitted a report to government in January 1991, confirming support for the establishment of an independent appeal process.

The report was redrafted and introduced in the Legislative Assembly as Bill 53 in June of 1991, changing "boards of review" to "Environmental Appeal Board". In May of 1992, following further public input, the Act was re-introduced as Bill 23 and received third reading and Royal Assent on June 26, 1992. On September 1, 1993, the *Environmental Protection and Enhancement Act* was proclaimed, empowering the Environmental Appeal Board.

In 1995, the scope of the Board's mandate was expanded with the implementation of the *Government Organization Act*, Schedule 5, section 6, under which the Board can hear appeals of enforcement orders relating to Restricted Development Areas.

The Board's purview was further expanded in January 1999, with the coming into force of the *Water Act*, which contains a mechanism for appealing water related approvals to the Board. This has increased the scope of the Board's workload and function considerably as each departmental decision relating to diversion of water, preliminary certificates, and licences are now appealable to the Board. It is evident that the quantity, use, and management of water in Alberta are becoming more contentious issues which are influenced by a variety of factors, many of which are beyond human control. However, decisions on appropriate usage of Alberta's water supply are within the realm of human influence and, as such, there are differing opinions on what constitutes appropriate use and management of Alberta's water supply. As a result, the number of water related appeals is an increasingly large aspect of the Board's business, a challenge which the Board has met with the same standard of fairness and efficiency it has been processing EPEA appeals since 1993.

PURPOSE OF THE BOARD

The Environmental Appeal Board provides Alberta citizens and corporations with a statutory vehicle to appeal certain decisions made by the Department of Environment respecting a range of environmental issues stemming from the approval of activities that have environmental consequences. The Board offers those persons who are directly affected by such activities an opportunity to have their concerns heard. As such, the Board plays an important quasi-judicial role in ensuring the protection, enhancement, and wise management of the environment. The Board is committed to taking a proactive stance in the fair, impartial, and efficient resolution of all matters before it.

ORGANIZATION

The Board has a unique relationship with the Department of Environment and the Minister of Environment. For financial reasons the Board is under the purview of the Minister although it reviews and hears appeals of decisions made by decision-makers within the Department of Environment. However, in order to maintain its adjudicative objectivity, the Board operates at arms-length from the Department of the Environment, allowing it to maintain a necessary degree of independence. For budgetary reasons and for the purpose of providing the Minister with its decisions and reports, and notwithstanding the Board's effort to balance environmental and economic interests, the Board remains aligned with the operations and goals of the Ministry of Environment.

The Board is comprised of appointed Board Members who are supported by the Board's staff. The Board Members are appointed by Cabinet based on their background and expertise in environmental or policy fields. Legal and research staff support the Board; staff are employed by the Alberta government, who facilitate the Board's operations and adjudication. The fundamental premise of the Board's operation is that the staff embrace the fiscal, environmental, and human resource goals of the government but concurrently remain focused on supporting the objectives and goals of the Board and its operation. This dual purpose is also present in the Board as it approaches each appeal with an impartial and unbiased view while remaining cognizant of the operational goals of the Ministry of the Environment. The organization which has been developed within the Board structure has helped to ensure efficiency and productivity without compromising the purpose and integrity of the Board. Appendix A provides an illustration of the Board Organization Chart.

BOARD MEMBERSHIP

Board Members are appointed by Cabinet as per section 90(1) of the EPEA. All appointments are non-partisan and based on merit, administrative experience, knowledge of environmental issues, and academic, technical, and professional expertise. All members sit on the Board part-time. They are paid on a *per-diem* basis and reimbursed for their expenses.

The structure of the Board consists of the Chair, Vice-Chair and seven members:

Chair: Dr. William A. Tilleman, Q.C., a Calgary environmental lawyer and adjunct Professor at the University of Calgary, Faculty of Law. Dr. Tilleman holds a J.S.D. from Columbia University, New York, and has acted for government and private industry and counselled a variety of Canadian administrative boards.

Vice-Chair: Dr. John P. Ogilvie, a semi-retired Ph.D. in Metallurgy with a broad industrial experience across North America.

Member: Dr. M. Anne Naeth, a professional biologist and agrologist and a Professor in the Department of Renewable Resources, Faculty of Agriculture, Forestry and Home Economics at the University of Alberta.

Member: Mr. Ron Peiluck, an active consultant to industry, a biology background, and a Master's degree in Land and Water Resource Development.

Member: Dr. Steve E. Hrudey, a Professor with the Environmental Health Program, Faculty of Medicine at the University of Alberta, with a risk management and environmental health background, and holds a Ph.D. in Public Health Engineering.

Member: Dr. Ted W. Best, an active consultant with a background that includes a Ph.D. in Geology and the Advanced Management Program at Harvard Business School.

Member: Dr. Curt Vos, a physician in family practice and industrial medicine, and an active member of numerous community organizations such as the Strathcona Chamber of Commerce, the Strathcona Library Board, and the Strathcona Care Centre.

Member: Mr. Ron Hierath, a farmer from the Milk River area since 1965. He has served as a member of the Alberta Legislature from 1993-2001, and during this time served as the Chairman of the Standing Policy Committee on Agriculture and Environment, and Chairman of the Health Facility Review Committee. Mr. Hierath has also served as a Board Member for the Agriculture Development Corporation. (Mr. Hierath was appointed to the Board on September 1, 2001.)

Member: Dr. Roy A. Crowther, an aquatic ecologist holding a Ph.D from the University of Calgary with 20 years experience. Dr. Crowther's primary areas of expertise are in the areas of project management, co-ordination of multi-disciplinary environmental teams, preparation of environmental impact assessments, and water resource management. (Dr. Crowther left the Board in August 2001.)

STAFF AND OFFICE ACCOMMODATION

During 2001 the Board underwent some staffing changes in the interest of improving efficiency and productivity. The traditional position of Executive Director and Registrar of Appeals was separated into two positions. As well, the Board hired a Senior Research Officer in order to improve the quality of, and to facilitate improved consistency in the Board's written decisions. The Board also hired an Administrative Assistant in order to meet the demands of a growing workload generated by increasingly numerous and complex appeals. In addition to those positions, the Board has three other full-time staff members including a General Counsel and Settlement Officer, a Projects Officer and an Administrative Assistant. Further temporary administrative assistance and contract work is retained as required. Staff provide full administrative support to the Board, respond to public, government, and industry queries, and participate in presentations and consultations on behalf of the Board. The staff also ensures that documents regarding Board processes and jurisprudence are easily accessible and written in a manner that will be clearly understood.

The Board's office is located at:

306 Peace Hills Trust Tower
10011 – 109 Street
Edmonton, AB T5J 3S8
Phone: (780) 427-6207
Fax: (780) 427-4693
Website:
www.gov.ab.ca/eab/

This location has adequate space for the Board to accommodate the increasing number of hearings and mediations undertaken. These facilities have a general hearing room which can seat approximately 60 people, as well as break out rooms for independent consultation, a conference room for in-house mediation, and office space to accommodate the Board's staffing needs. These facilities offer the space and functionality to allow the Board to meet its mission efficiently and effectively.

MISSION STATEMENT

The Environmental Appeal Board will advance the protection, enhancement, and wise use of Alberta's environment by providing fair, impartial, and efficient resolution of all matters before it.

OPERATING PRINCIPLES

Ecosystem Sustainability
The Board believes that a healthy environment is essential to the integrity of ecosystems and human health and to the well-being of society.

Sustainable Development
The Board hears and processes appeals in a fair and effective manner striving to ensure the wise use of Alberta's renewable resources with the goal that future generations may benefit from them.

Informed Decision-Making
The Board attempts to hear and process appeals on the basis of relevant scientific, technological, and environmental information so that it may make a fully informed decision.

Public Involvement
The Board ensures information on its mandate and rules and regulations is freely accessible. The Board provides Albertans with the opportunity to become active participants in the appeal and hearing processes through creative processes such as mediation.

Shared Responsibility
The Board shares the responsibility of managing Alberta's renewable resources by providing Albertans the opportunity to have a voice through appeal procedures.

Public Service
The Board is dedicated to providing excellent service to Albertans in all regions of the province.

CORE BUSINESS

The Board's core business is to hear appeals from applicants and affected parties on decisions regarding environmental approvals, enforcement actions, reclamation certificates, and other matters. The goals of the Board are linked to the core businesses and goals of the Ministry of Environment and the core businesses of the Alberta government: people, prosperity, and preservation.

Social (people), economic (prosperity), and environmental (preservation) effects of major resource development are scrutinized through the Board review process to ensure that Alberta's renewable resources are sustained, the high quality of Alberta's environment is maintained, and resource development contributes to prosperity.

The Board continues to work to find effective ways of reducing its expenditures while maintaining quality services. We continue to look for ways to conduct our business more efficiently and effectively.

The Board is committed to contributing to the sustainable development of Alberta's natural resources for the benefit of Albertans today and in the future.

GENERAL OBJECTIVES

The following objectives reflect the Board's philosophy in operating its core business and its commitment to its operating principles:

1. strive for correctness and precision in decision-making;

2. maintain fair and simple procedures;

3. give priority to the substance of an appeal rather than its form;

4. consider appeals as expeditiously as possible;

5. provide sound appeal procedures and issue clear and consistent decisions on the statutory provisions;

6. ensure the availability of Board decisions, rules and procedures to parties that appear before the Board;

7. decrease the time needed to process appeals;

8. focus on dispute resolution options in mediation meetings and settlement conferences and monitor their success;

9. recommend sound and well-documented legislative changes;

10. develop closer contacts with various interest groups in order to keep abreast of industry, public, and government concerns and proposals for change;

11. formalize the long-range planning and budget review process for the Board;

12. achieve fairness and unbiased results, having regard for the purpose of EPEA and the interests of all parties to an appeal; and

13. make efficient and productive use of the Board's resources in meeting the needs of the parties.

STRATEGIES

The Environmental Appeal Board employs the following strategies to achieve its objectives:

1. Where possible use written rather than public hearings in order to minimize costs.

2. Use a single Board Member for mediation meetings. The Board encourages the use of alternative dispute resolution mechanisms, such as settlement conferences, wherever possible.

3. Use alternative dispute resolution options within the appeal process and monitor their success.

4. Train Board Members and staff to mediate those appeals that are amenable to settlement.

5. Utilize three-person appeal panels, organized where possible on a regional basis and utilizing Board Members' expertise, to minimize travel and meeting costs. Use single person panels for determining procedural matters where possible.

6. Increase the availability of Board decisions, rules, and procedures to parties that appear before the Board so as to achieve greater understanding, reduce unnecessary appeals, and generate informed suggestions for future change.

7. Maintain Board rules and procedures in an accessible and understandable manner in order to ensure consistency of application, to reduce time taken in processing appeals, and to focus Board decisions on sustaining a high level of procedural fairness.

8. Consolidate individual appeals where possible.

9. Provide access to the Board for all parties (businesses, government, and the public), including telephone access for out-of-town parties and an internet website.

10. Maintain Board documents, rules and procedures in an updated form, eliminating inaccurate or outdated information and providing both Board staff and Board clientele with easy access to the records of outstanding appeals.

11. Monitor changes to the EPEA, *Water Act*, the *Government Organization Act*, and the regulations which constitute and govern the Board.

12. Review as necessary Board staffing requirements.

13. Operate the Board within its budget.

THE ACTS AND REGULATIONS

The Board operates consistent with and subject to the purposes of Part 3 of the *Environmental Protection and Enhancement Act*, Part 9 of the *Water Act*, the *Government Organization Act*, Schedule 5, the *Environmental Appeal Board Regulation* (Alta. Reg. 114/93), and the *Environmental Protection and Enhancement (Miscellaneous) Regulation* (Alta. Reg.118/93). The Board has statutory authority to hear appeals of administrative decisions made with respect to a variety of matters regulated by the EPEA and the *Water Act*.

This year the Board has altered its year-end date to bring it into line with the scheme used by Alberta Environment. As a result, this 2001 annual report encompasses the period of January 1, 2001, through March 31, 2002. During this period (January 1, 2002) the Government of Alberta brought into force its revision of the Statutes of Alberta (R.S.A. 2000), which has had an effect on the *Environmental Protection and Enhancement Act*, the *Water Act* and the *Government Organization Act*. Predominantly the effect of the revision on the legislation pertinent to the Board has been the renumbering of the sections of the three Acts. The Board has accommodated these changes by revising its publications so that they are consistent with the numbering scheme in the revised statute.

In relation to the Board's continued jurisdiction under the *Environmental Protection and Enhancement Act* and the *Water Act*, the Board has the power to make recommendations on matters brought before it to the Minister of Environment, with the Minister making the final decision. On matters relating to standing, timeliness of filing, stays, costs, requests for confidentiality, administrative penalties, and all preliminary matters, the Board is authorized as the final decision-maker. In carrying out its functions, the Board has all the powers of a commissioner under the *Public Inquiries Act*, including the right to retain experts to assist with matters before the Board and to compel persons and evidence to be brought before the Board. Although it is not subject to the provisions of the *Administrative Procedures Act*, the Board has an obligation to operate in accordance with the principles of natural justice. Consistent with normal common law practice, the Board does not replace or eliminate the right of Albertans to seek civil remedies, by means of judicial review, in the courts.

RULES OF PRACTICE AND REGULATORY REFORM

The Board's Rules of Practice contain an explanation of the procedures involved in appealing a decision to the Board. The Rules of Practice are designed to be a clear and concise explanation regarding many of the commonly asked questions about the Board. This document is updated periodically by means of stakeholder consultation, whereby parties with an interest in the Board, either as Appellants, environmental groups, industry, or government, are given an opportunity to recommend changes to the Board's Rules of Practice.

THE APPEAL PROCESS

The following overview provides a brief summary of the Board's appeal process. The Board ensures all information about the Board is freely accessible and understandable to aid the public in determining whether to put forth a Notice of Appeal and how to conduct an appeal. This facilitates awareness of appeal requirements and procedures, which simplifies the appeal application process to ensure consistency of application. Detailed information about the Board, including its Rules of Practice, the regulations under which it is governed, its procedures, Decisions, Report and Recommendations, Business Plan, and Annual Report is available from the Board office or the Board's website. Board staff are also available to answer questions about the Board's processes and appeal procedures. Appendix B outlines the Board's appeal procedures.

When a Notice of Appeal is brought before the Board, the Board deals with it in one of two ways. First, it looks for ways to resolve conflict that avoid the potentially formal, lengthy, and costly process of a hearing. It does so by employing Alternative Dispute Resolution (ADR) mechanisms, such as mediation or settlement conferencing, to facilitate resolution of the Notice of Appeal at an early stage. Second, if the ADR mechanism is unsuccessful or deemed inappropriate for the resolution of the appeal, a panel of one to three Board Members hears the appeal formally.

MEDIATION MEETINGS

When the parties to the appeal have been determined, the Board may, on its own initiative or at the request of any of the parties to the appeal, schedule one or more mediation meetings prior to the date set for the hearing of the appeal. The purpose of a mediation meeting is to facilitate the resolution of the appeal or to determine any of the procedural matters set out in the Board Regulation. Parties are expected to come to the mediation meeting fully prepared for a useful discussion of all issues involved in the appeal, both procedural and substantive, and be authorized to negotiate and make decisions regarding these issues.

ADVANTAGES OF ALTERNATIVE DISPUTE RESOLUTION

Environmental tribunals encourage the use of Alternative Dispute Resolution (ADR) to resolve conflicts because environmental disputes that lead to appeals and subsequent hearings are frequently complicated and costly. The disputes often involve many parties such as government, industry, public interest groups, and locally affected residents, resulting in time-consuming proceedings that are increasingly complex in their context and legality. The Board has found ADR offers many advantages over formal hearings including:

- more efficient use of Board resources;
- more effective promotion of consensus;
- a reduction in the length of hearing times;
- the facilitation of dialogue between industry and the public so that affected parties self-determine an agreed upon outcome;
- reduced administrative and legal costs;
- an informal and flexible setting that benefits the layperson not experienced with formal Board procedures;
- more receptive to the needs of the parties as it can be conducted at a convenient location in person, in writing, or by telephone, depending upon the wishes of the parties and the Board;
- provides a neutral person (mediator) who facilitates communication between the parties and guides the process by providing basic procedural information.

By using a system of mediation, the Board has had success in helping parties before the Board negotiate appropriate and effective resolutions to contentious issues. ADR facilitates communication between the parties to an appeal, and as such, can lead to negotiated resolutions which are naturally better suited to the parties' needs than a discretionary judgement by a third party like the Board.

FACILITATION

Reasonable notice of the time, place, and purpose of the mediation meeting is given in writing to the parties and other persons, if any, who are participating or seek to participate in the appeal. Board Members have mediation training, and where possible, will attempt to facilitate a resolution of the appeal at a mediation meeting. A mediation is held in person unless the presiding Board Member concludes that personal attendance by the parties is unwarranted or impractical. In the latter circumstance, the mediation may be conducted by telephone or other appropriate means.

MEDIATED RESOLUTION/SETTLEMENT CONFERENCES

When the parties agree to a resolution of the Notice of Appeal at the mediation meeting, the Board shall, within 15 days after the mediation, prepare a Report and Recommendations which includes the agreed upon resolution. The Report and Recommendations shall be submitted to the Minister to be dealt with according to the *Environmental Protection and Enhancement Act*, and a copy of the Report and Recommendations will be sent to each party.

PROCEDURAL MATTERS

Where the parties do not agree to a resolution of the Notice of Appeal at the mediation, the Board Member who facilitates the mediation will not be a member of the panel that hears the appeal. Further to this, the Board, in consultation with the parties, may:

- determine a date for a future mediation meeting before the hearing;
- admit any facts relevant to the hearing consented to by the parties;
- admit any evidence relevant to the hearing consented to by the parties;
- determine any matter of procedure;
- determine the order of witnesses for the hearing;
- have the parties exchange documents and written submissions;
- determine any other matters for the hearing;
- determine the issues for the hearing pursuant to section 95(2) and (3) of the Act: and
- obtain the signature of the person submitting the request.

HEARINGS

The Board is committed to evaluating all scientific evidence presented by a party to an appeal in the context of the best available, current scientific knowledge, that is relevant and applicable to the key matters of the case appealed. However, this commitment must be pursued in a manner that does not place appellants who lack scientific support at any disadvantage in the process.

A Report and Recommendations is prepared for most hearings and is submitted to the Minister within 30 days of the conclusion of a hearing. The Board has been issuing written decisions for all hearings and preliminary meetings regardless of the scope or magnitude of the issues. The intent is to analyse each issue raised during the hearing and provide clear and sound reasons, or at least a thorough explanation for Board decisions. Clearly written reasons show parties their evidence and arguments were understood and provide assistance to the courts and the Minister when Board decisions are reviewed. Written decisions also provide a permanent record of the Board's reasoning process which aids future parties in determining whether to appeal similar decisions and, if so, how to conduct their appeal effectively.

PUBLIC DOCUMENTS

The Board's Decisions and Reports and Recommendations are public documents and may be viewed at any of the following locations:

- Environmental Appeal Board, 306 Peace Hills Trust Tower, 10011 – 109 Street, Edmonton, AB T5J 3S8, phone: (780) 427-6207, fax: (780) 427-4693;
- University of Calgary Law Library 2nd Floor, Murray Fraser Hall, 2500 University Drive NW, Calgary, AB T2N 1N4, phone: (403) 220-5953, fax: (403) 282-3000;
- John A. Weir Memorial Law Library, 2nd floor, Law Centre, University of Alberta, Edmonton AB, T6G 2H5, phone: (780) 492-3371, fax: (780) 492-7546;
- Alberta Environment Library, 6th Floor, 9920 - 108 Street, Edmonton AB T5K 2M4, phone: (780) 427-5870, fax: (780) 422-0170; and
- Environmental Law Centre, #204, 10709 Jasper Avenue, Edmonton AB T5J 3N3; phone: (780) 424-5099, fax: (780) 424-5133, Alberta Toll Free: 1-800-661-4238

The Board's Decisions and Report and Recommendations are also available for viewing online:

- Free Viewing: http://www3.gov.ab.ca/eab/decision.html or;
- Paid Subscription through QuickLaw in their AEAB database.

The Board also has a Practitioner Manual which contains summaries of all the Board's decisions. The manual is available from:

- The Legal Education Society of Alberta, 2610 Canada Trust Tower, 10104 - 103 Avenue, Edmonton, Alberta, T5J 0H8, phone (780) 420-1987, fax: (780) 425-0885, email: lesa@lesa.org, website: www.lesa.org.

As well, selected Board decisions are published in the Canadian Environmental Law Reports, the Administrative Law Reports and the Alberta Law Reports, available at most law libraries across Canada.

FINANCES

The Board's budget for each fiscal year is discussed with the Deputy Minister of Environment, approved by the Minister, then sent to Treasury and Cabinet for approval. In terms of administrative budgeting and future business planning, the Board keeps in close contact with the policy administrators within the Department of Environment.

The rate and number of appeals put before the Board is externally driven; therefore, the appeal activity is beyond the Board's control. Board costs vary depending on the number of appeals filed. However, the Board can anticipate an increase in the complexity and number of appeals when additional Acts fall under the jurisdiction of the Board or when the Department of Environment introduces new rules or regulations. This was demonstrated by the January 1, 1999 inclusion of the *Water Act*. The Board expects annual costs in relation to appeals will continue to rise in correlation with the number of appeals filed.

Generally, as Alberta's environmental resources become more strained, leading to increasingly stringent environmental standards, and as economic resources become more stretched, the Board anticipates Albertans will demand more from it and the appeal process. The Board will remain committed to meeting the needs of Albertans while concurrently viewing fiscal responsibility as a top priority. Standard business and accounting practices will be used to assess, plan, and monitor the expenditure of the Board's financial resources.

SUMMARY OF SPENDING PROFILE

	1997-98 Actual	1998-99 Actual	1999-00 Actual	2000-01 Actual	2001-02 Actual	2002-03 Estimate
Approved Operating Capital	593,868	630,685	745,226	898,502	921,169	950,000
Total	$593,868	$630,685	$745,226	$898,502	$921,169	$950,000

PRESENTATIONS

Through requests from various groups, the Board has responded to public awareness regarding its process in the form of public presentations and consultations. Appendix C presents a list of forums in which either the Chair, a Board Member, or Board staff participated and provided information.

BOARD ACHIEVEMENTS

A list of the Board's achievements follows, indicating our commitment to our mission, objectives, the implementation of our strategies, and the achievement of our goals.

- The Board's decisions have been reported in the Canadian Environmental Law Reports and Administrative Law Reports. Decisions have also been the subject of scholarly analysis in law journals and have been widely reported in other legal and environmental publications. Inclusion of the Board's hearing decisions into the aforementioned reports is hopefully a reflection of the importance and quality of Board decisions.

- The Board developed and implemented effective ADR strategies including settlement conferences, and provides ongoing ADR training to Board Members.

- The Board revised its Notice of Appeal form to reflect plain language in order to make appeals more manageable by the general public. This is part of an overall campaign by the Board to use plain language in its publications in order to make them concise, clear, and easily understood by those who come in contact with the Board.

- The Board is one of the few administrative bodies in Canada using ADR to such a large degree.

- The Board developed a questionnaire which is given to the parties to complete following a mediation and settlement conference to assess their satisfaction with the process.

- The Board's decisions on whether to provide access to information have never been appealed under the *Freedom of Information and Protection of Privacy Act*. This, hopefully, reflects the quality of the Board's decision-making.

- Only one complaint against the Board has been put forth to the Ombudsman in the Board's nine-year history; it was dismissed.

- The Board participates in the *Freedom of Information and Protection of Privacy* (FOIP) Co-Coordinators meetings.

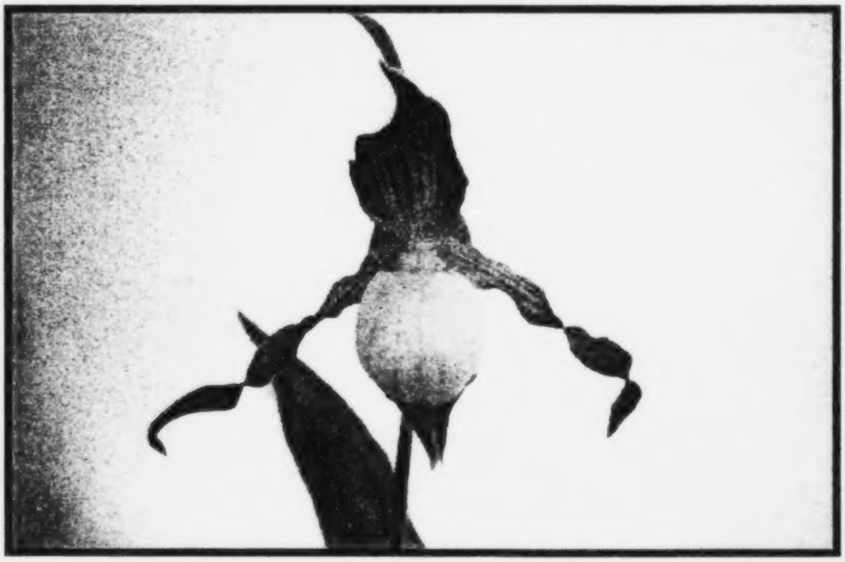
- The Board participates in Alberta Transportation's Caring for Alberta's Highways program whereby the Board staff annually clear litter from a three kilometre stretch of highway in southern Alberta.

- The Board is a member of the Council of Canadian Administrative Tribunals (CCAT) which assists and promotes the philosophy of administrative, quasi-judicial tribunals.

- The Board provides public awareness regarding its process in the form of public presentations.

- Remaining current with technological advances, the Board developed and maintains a website. It is clear from the statistics below that as the internet has become more common, people are using it as a fundamental resource in gathering information about the Board. As a result, the Board is continuing to expand, revise, and update the website in order to improve the quality, quantity, and applicability of the information it contains.

YEAR	NUMBER OF HITS ON THE BOARD'S WEBSITE
1998	2,977
1999	27,032
2000	26,897
2001	71,205 (JAN. 1, 2001 – MAR. 31, 2002)



APPEAL STATISTICS

- **Number of Appeals**

A total of 134 appeals were put before the Board between January 1, 2001, and March 31, 2002. This brings the total number of appeals brought before the Board throughout its history to 855 appeals. See Appendix C for a summary of appeals.

- **Time per Appeal**

The average time for processing an appeal, based on the total number of appeals over the Board's existence, is 2.35 months per appeal.

- **Mediation**

Since 1993, 96 matters (calculated by Approval Holder, which corresponds to 454 individual appeals) have undergone mediation, of which 65 matters were successfully resolved, a 68 percent rate of success.

- **Judicial Reviews**

Since the inception of the Board, there have been 26 instances of judicial review stemming from 17 different Notices of Appeal. Of the 26 judicial reviews, ten have upheld the Board's decision, six were returned to the Board, six were withdrawn, and two are pending. The Board has also recorded two judicial reviews which stem from a Ministerial decision based on one of the Board's Report and Recommendations but which did not directly involve the Board as a party. During the past calendar year, there were two judicial reviews filed. One upheld the Board's decision and the other is still pending judgment. Beyond the two judicial reviews filed between January 1, 2001, and March 31, 2002, there was also a pending judicial review action from 1997.

- **Report and Recommendations**

The Board has submitted 73 Report and Recommendations to the Minister between September 1993 and March 31, 2002. Only one of the 73 Report and Recommendations presented to the Minister was not accepted by the Minister. Of the 73 Report and Recommendations, 13 were submitted to the Minister between January 1, 2001, and March 31, 2002. All 13 of these Report and Recommendations were accepted by the Minister.

- **Decision Reports**

The Board has issued 121 Decision reports since 1994. Of these, 45 were rendered between January 1, 2001, and March 31, 2002.

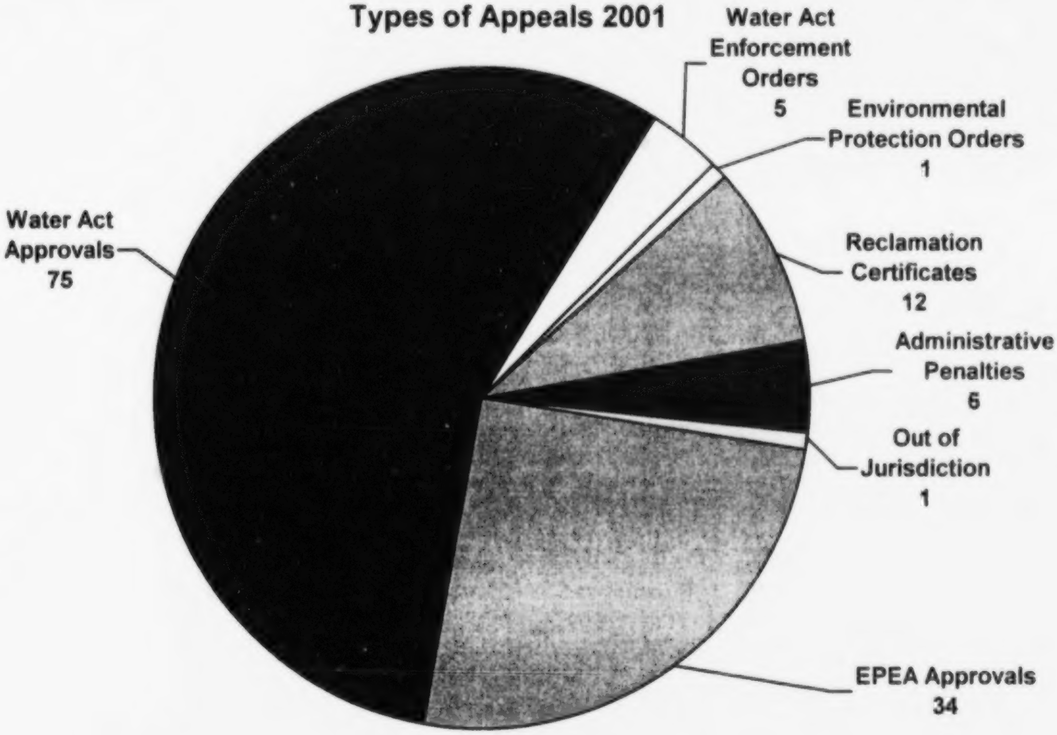
- **Costs Decisions**

The Board has issued 17 Costs Decisions since 1997. Between January 1, 2001, and March 31, 2002, the Board issued two Costs Decisions.

APPEAL TYPES

During the last reporting period encompassing January 1, 2001, through March 31, 2002, the Board received 134 appeals relating to the following issues: 34 pertained to EPEA approvals, 75 applied to *Water Act* Approvals (including preliminary certificates and licences), five were based on enforcement actions under the *Water Act*, one related to an environmental protection order, 12 to reclamation certificates, six were administrative penalties, and one was outside of the Board's jurisdiction (as per Chart I). A brief synopsis of each of the 134 appeals is set out in Appendix D. As well, the breakdown of the parties to each appeal and appeal number is included in Appendix E.

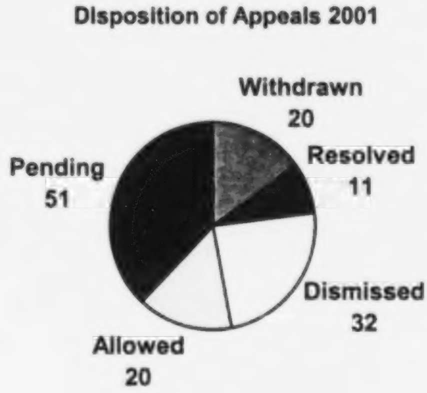
CHART I



APPEAL RESULTS

The 134 appeals filed between January 1, 2001, and March 31, 2002, were dealt with as follows: 20 were withdrawn, 11 were resolved, 32 were dismissed, 20 were allowed, and 51 remain pending. The disposition of these appeals is illustrated in Chart II.

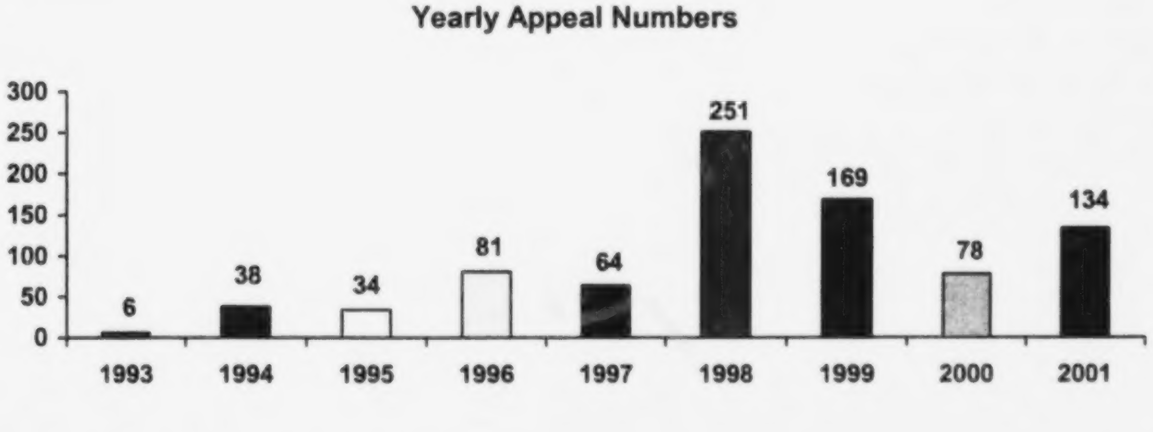
CHART II



NUMBER OF APPEALS

The following chart illustrates the change in the number of appeals filed over the last seven years.

CHART III



As seen in Chart III, 6 appeals were filed with the Board during the period of September to December, 1993. Presuming a constant rate of appeals filed, it is estimated that 24 appeals would have been filed in total during the 1993 calendar year. During the 1994 calendar year, 38 appeals were filed, representing a 58% increase to the estimated number of appeals for 1993. As appeals are externally driven, there are no obvious factors to account for the increase between 1993 and 1994, other than awareness of the Board's existence to members of the public and industry, who can also appeal. During 1995, 34 appeals were filed. This represents a decrease of 11% from the previous year, but a 42% increase over the number of appeals in 1993. Again, no rationale is obvious for the decrease from 1994 to 1995. However, at the end of 1996, 81 appeals were filed. This represents a 138% increase over the previous year. During 1997, 64 appeals were filed which would provide an average of 48 appeals per year over the first five years. In 1998, the Board received 251 appeals, of which 209 related to one approval holder. Of the 169 appeals filed in 1999, 115 relate to one approval holder. During 2000, 78 appeals were filed which relates well to the 1997 numbers where there was not one particular approval which generated a majority of appeals for that year. 2001 saw an increase in the number of appeals filed to 134, however this increase is somewhat skewed as the reporting period for the 2001 annual report is 15 months as opposed to 12.

Based on the cumulative number of 855 total appeals, over 8.25 years of Board history, the Board is averaging 103.6 appeals per year.

SUMMARY OF APPEALS

Appendix D contains a synopsis of the appeals before the Board during this reporting period, as well as any outstanding appeals from previous years that were dealt with between January 1, 2001, and March 31, 2002.

CONCLUSION

The Board is proud of its operation and the success it achieved in 2001, as outlined in this report. We have fulfilled our commitment to advancing the protection, enhancement, and wise use of the environment and we have done so in a fair and impartial manner. We remain committed to that mission.

We also remain adaptable to change and will strive to continue to increase our efficiency, effectiveness, and the satisfaction of the parties with which we work. We will continue to work in a manner that is fiscally responsible and will strive to meet our performance targets. Our commitment to continued improvement and success remains strong.

The Board's Business Plan is available on request from the Board office.

For further information contact:

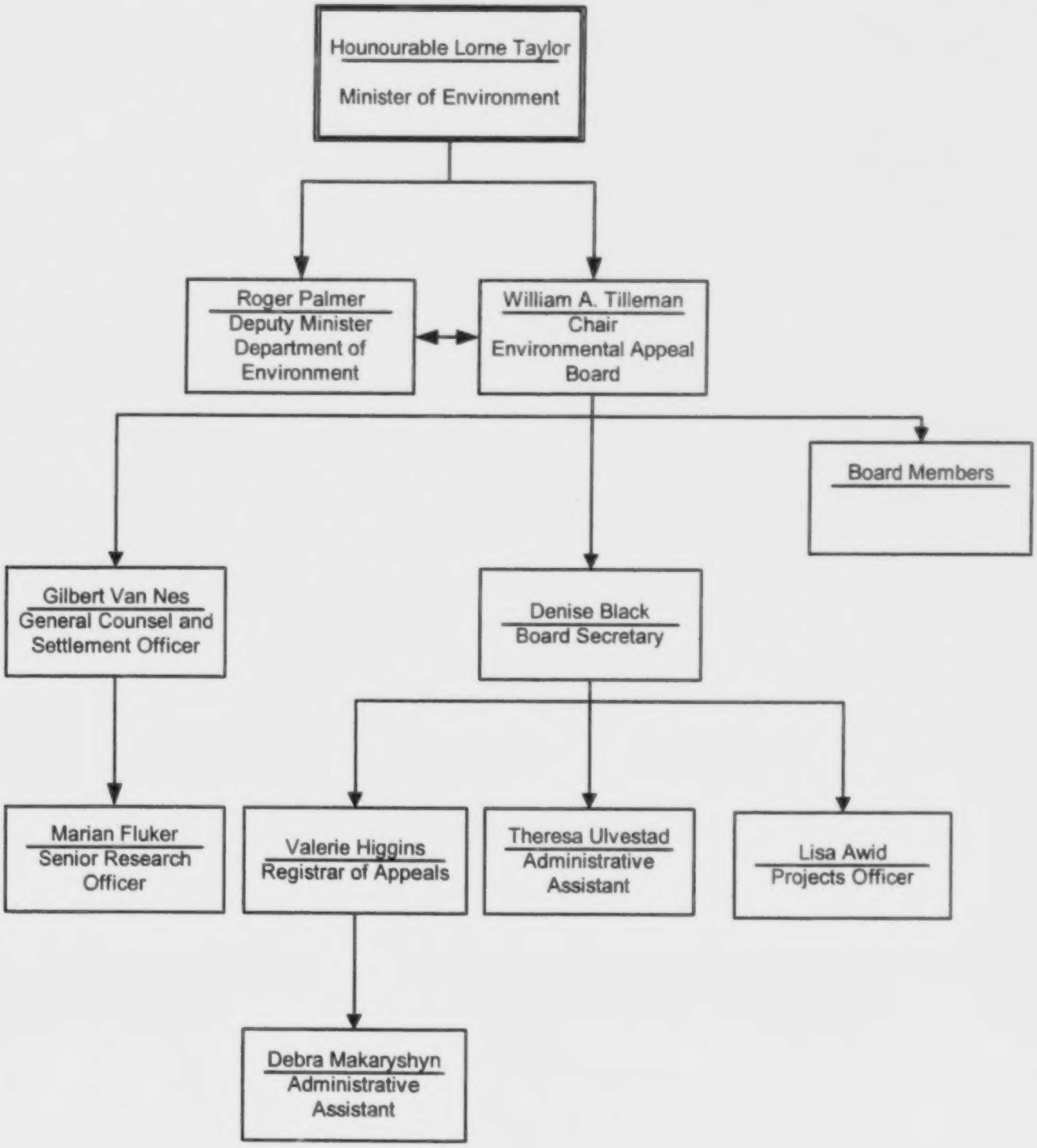
Environmental Appeal Board
306 Peace Hills Trust Tower
10011 – 109 Street
Edmonton, AB T5J 3S8
Phone: (780) 427-6207
Fax: (780) 427-4693
Website: www.gov.ab.ca/eab/

APPENDIX 'A'

ORGANIZATION CHART

APPENDIX A

ENVIRONMENTAL APPEAL BOARD ORGANIZATION CHART


Hounourable Lorne Taylor
Minister of Environment
Roger Palmer
Deputy Minister Department of Environment
William A. Tilleman
Chair Environmental Appeal Board
Board Members
Gilbert Van Nes
General Counsel and Settlement Officer
Denise Black
Board Secretary
Marian Fluker
Senior Research Officer
Valerie Higgins
Registrar of Appeals
Theresa Ulvestad
Administrative Assistant
Lisa Awid
Projects Officer
Debra Makaryshyn
Administrative Assistant

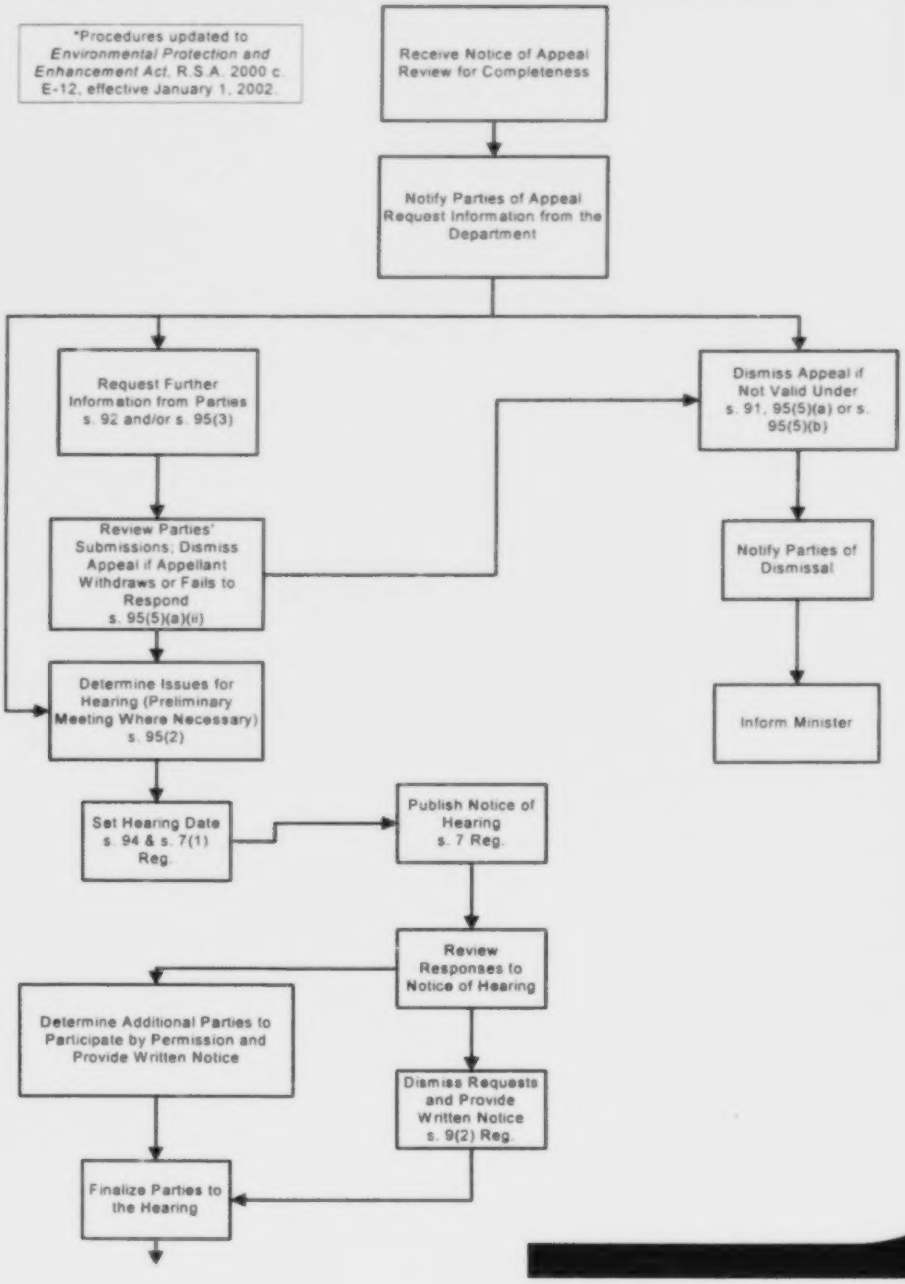
APPENDIX 'B'

PROCEDURE FLOW CHART

APPENDIX B

ENVIRONMENTAL APPEAL BOARD PROCEDURE FLOW CHART

*Procedures updated to *Environmental Protection and Enhancement Act*, R.S.A. 2000 c. E-12, effective January 1, 2002.

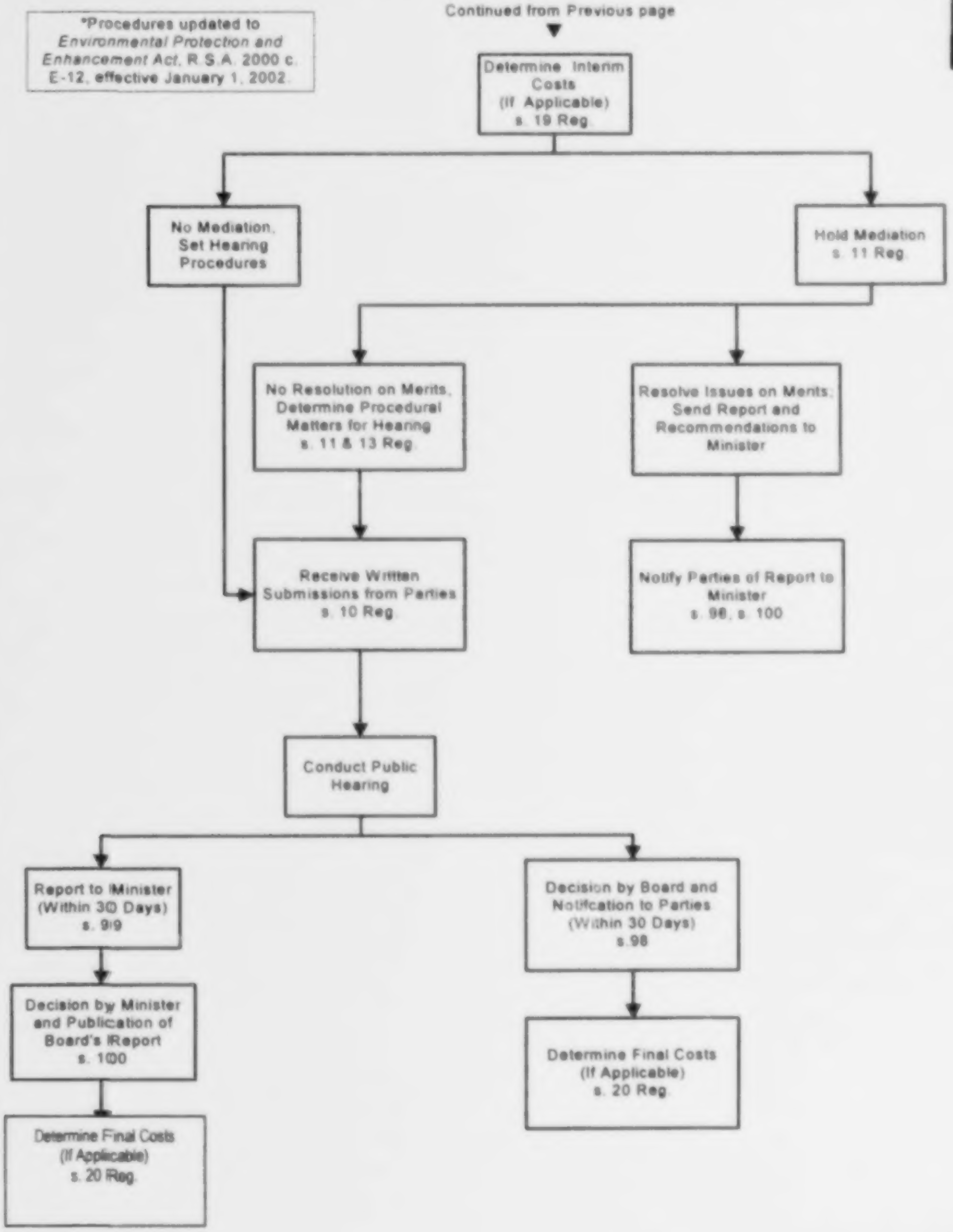

Receive Notice of Appeal Review for Completeness
Notify Parties of Appeal Request Information from the Department
Request Further Information from Parties s. 92 and/or s. 95(3)
Dismiss Appeal if Not Valid Under s. 91, 95(5)(a) or s. 95(5)(b)
Review Parties' Submissions; Dismiss Appeal if Appellant Withdraws or Fails to Respond s. 95(5)(a)(ii)
Notify Parties of Dismissal
Determine Issues for Hearing (Preliminary Meeting Where Necessary) s. 95(2)
Inform Minister
Set Hearing Date s. 94 & s. 7(1) Reg.
Publish Notice of Hearing s. 7 Reg.
Review Responses to Notice of Hearing
Determine Additional Parties to Participate by Permission and Provide Written Notice
Dismiss Requests and Provide Written Notice s. 9(2) Reg.
Finalize Parties to the Hearing

APPENDIX B

ENVIRONMENTAL APPEAL BOARD PROCEDURE FLOW CHART

*Procedures updated to *Environmental Protection and Enhancement Act*, R.S.A. 2000 c. E-12, effective January 1, 2002.

Continued from Previous page


Determine Interim Costs (If Applicable) s. 19 Reg.
No Mediation, Set Hearing Procedures
Hold Mediation s. 11 Reg.
No Resolution on Merits, Determine Procedural Matters for Hearing s. 11 & 13 Reg.
Resolve Issues on Merits; Send Report and Recommendations to Minister
Receive Written Submissions from Parties s. 10 Reg.
Notify Parties of Report to Minister s. 98, s. 100
Conduct Public Hearing
Report to Minister (Within 30 Days) s. 99
Decision by Board and Notification to Parties (Within 30 Days) s.98
Decision by Minister and Publication of Board's Report s. 100
Determine Final Costs (If Applicable) s. 20 Reg.
Determine Final Costs (If Applicable) s. 20 Reg.

APPENDIX 'C'

PUBLIC PRESENTATION AND CONSULTATION

PRESENTATIONS AND CONSULTATIONS BY THE BOARD
-2001-

February 21, 2001 Sheryl Kozyniak Registrar	Lakeland College Role of the Environmental Appeal Board Vermilion
March 28, 2001 William A. Tilleman Q.C. Chair	University of Alberta, Administrative Law The Environmental Appeal Board Edmonton
April 12, 2001 Steve Hrudey Board Member	Canadian Bar Association Environmental Law Section - North Walkerton Inquiry Process-A Scientist's View Edmonton
July 31, 2001 Gilbert Van Nes Board Counsel	Japanese Exchange Students - U of A Board Office Edmonton
September 24, 2001 William A. Tilleman Q.C. Chair	Canadian Institute (Environmental Law and Regulation in Alberta) The Expanding Role of the Alberta Environmental Appeal Board: What Industry Must Know Calgary
September 24, 2001 Gilbert Van Nes Board Counsel	Canadian Institute (Environmental Law and Regulation in Alberta) Project Approvals and Permits: Critical Information for Navigating – and Expediting–the Process Where does the Alberta Environmental Appeal Board fit in? Calgary
October 19, 2001 M. Anne Naeth Board Member	Sino-Canada Technology Exchange Centre Chinese Delegation from the Ministry of Water Resources, Soil and Water Conservation, Law and Regulation, Appeal Process Board Office

PRESENTATIONS CONTINUED -2001-

November 8, 2001 William A. Tilleman Q.C. Chair	The Consensus Building Institute Consensus Building and the Environmental Appeal Board Calgary
November 16, 2001 Gilbert Van Nes Board Counsel	Lakeland College The EAB process and its relationship with other Regulatory Boards Vermilion
December 5, 2001 William A. Tilleman Q.C. Chair	Canadian Bar Association Environmental Law Section (Southern) Harmonizing EIA for Northern Pipelines Calgary

APPENDIX 'D'

APPENDIX 'D'

SYNOPSIS OF APPEALS

SYNOPSIS OF APPEALS

APPENDIX D

SUMMARIES OF APPEALS FROM 2001

Appellant(s)	Subject
Appellant(s): Sarg Oils and Sergius Mankow **Operator**: Sarg Oils **Location**: Camrose **Type of Appeal**: As listed (Active) **Appeal No.** 94-011	**Overview** - On September 19, 1994, 16 appeals were filed by Sarg Oils and Sergius Mankow with respect to the issuance of 16 Environmental Protection Orders (EPOs). The Orders required the Appellants take remedial action with respect to 16 abandoned well sites in Camrose. **Decision** – May 11, 1995, the Board issued a Decision indicating that the Director did not err in issuing the EPOs against Mankow and Sarg. The Board's decision underwent judicial review in the Court of Queen's Bench with a judgment stating that the Board must rehear the appeal. Cite as: *Sarg Oils Ltd.* v. *Director of Land Reclamation, Alberta Environmental Protection* (11 May 1995), Appeal No. 94-011 (A.E.A.B.) **Report and Recommendations** - A hearing took place on November 5 and 6, 1996 in Edmonton. The Board issued a Report and Recommendations to the Minister on December 5, 1996, confirming Alberta Environment issued the EPOs properly; however, directed that Alberta Environment immediately examine the criteria followed when deciding what parties are to be recipients of EPOs; and the criteria should be made publicly available. The Minister agreed with the Board's report on December 16, 1996. Cite as: *Sarg Oil Ltd. and Sergius Mankow* v. *Director of Land Reclamation, Alberta Environmental Protection* (5 December 1996), Appeal No. 94-011 (A.E.A.B.) On May 12, 1997, counsel for Sarg Oils and Asergius Mankow filed legal action in the Court of Queen's Bench in Lethbridge. As of April 1, 2002, the judicial review is pending.

Appellant(s)	Subject
Appellant(s): Mr. Charles W. Forster and Legal Oil and Gas Ltd. **Operator:** Legal Oil and Gas Ltd. **Location:** Sturgeon **Type of Appeal:** As Listed **Appeal no.** 98-007	**Overview** - On February 24, 1998, the Board received a Notice of Appeal and request for a Stay from Mr. Charles W. Forester and Legal Oil and Gas Ltd. with respect to the issuance of Environmental Protection Order (EPO) 98-02. **Discontinuance of Proceedings** - A mediation meeting took place on July 17, 1998. The Board also provided a copy of the appeal file to the Alberta Energy and Utilities Board, Union Pacific Resources and Mr. Brian Cornelis (landowner) as potential interested parties. At the mediation meeting, it was agreed to hold the appeal in abeyance for 90 days, as well as hold a mediation meeting on October 23, 1998 and a hearing on November 6, 1998. Following the mediation meeting, the parties agreed to develop a remediation plan to resolve the EPO, and the November hearing was adjourned. A second mediation meeting took place on April 26, 1999, and it was agreed to hold the appeal in abeyance for one month, and schedule another mediation meeting for December 14, 1999 and a hearing on April 17 and 18, 2000. On April 11, 2000, the Appellants advised the Board that they were not in a position to file written submissions, however, were working toward a resolution of the appeal. On April 14, 2000, the Appellants withdrew their appeal and on the same day, the Board issued a Discontinuance of Proceedings. Cite as: *Legal Oil and Gas Ltd. #4* v. *Director, Land Reclamation Division, Alberta Environmental Protection* (14 April 2000), Appeal No. 98-007 (A.E.A.B.) **Cost Decision** – This decision concerns an application for costs submitted on behalf of Union Pacific Resources Inc. ("Union Pacific"). Union Pacific seeks costs against Legal Oil and Gas Ltd. ("Legal") and Mr. Charles W. Forster ("Forster"). The application was with respect to Appeal No. 98-007 and whether Legal and Forster were responsible for contamination on a well site they had taken over from another entity. Legal and Forster suggested that Union Pacific's predecessors may have been responsible for this contamination as a result of activities related to a neighbouring well. On January 22, 2001, the Board issued a Cost Decision dismissing Union Pacific's application for costs on the grounds that they submitted a formal request two months after the Board's Discontinuance proceedings. The Board ruled *prima facie*, which is outside the Board's jurisdiction under section 88 to award costs in any proceedings "before it" and due to the delay, the Board found the application untimely and in need of rejection. The Board also concluded that no specific justification was given with respect to the solicitor-client account for services and that the claim for costs was not immediately brought forth during the mediation process. If substantial costs claims can surface after the mediation process, particularly from third parties, it will make parties more reluctant to achieve settlements this way and thus increase the overall costs of proceedings before the Board. Cite as: Cost Decision re: *Union Pacific Resources Inc.* (22 January 2001), Appeal No. 98-007 (A.E.A.B.)

Appellant(s)	Subject
Appellant(s): Mr. Ron Groves on behalf of Cabre Exploration Ltd. **Operator:** Cabre Exploration Ltd. **Location:** Provost **Type of Appeal:** As Listed **Appeal No.:** 98-251	**Overview** - On December 16, 1998, Cabre Exploration Ltd. filed an appeal with respect to the decision of the Department of Environment to refuse to issue a Reclamation Certificate to Cabre Exploration Limited. **Report and Recommendations** - The Board held a mediation on April 6, 1999. As no resolution was reached, hearings took place on August 18 and September 3, 1999. The Board issued a Report and Recommendations allowing the appeal on October 29, 1999, which the Minister agreed to on December 16, 1999. At the end of the hearing, all parties agreed to make written closing arguments and cost applications. Cite as: *Cabre Exploration Ltd.* v. *Conservation and Reclamation Officer, Alberta Environmental Protection* (29 October 1999), Appeal No. 98-251 (A.E.A.B.) **Cost Decision** – On January 26, 2000, the Board issued a Cost Decision concluding that since Cabre did not seek costs against the landowner, the costs appropriately remain Cabre's own responsibility, and should not be borne by the public through the Board or Department, and therefore, no costs were awarded in the appeal. Cite as: *Cost Decision* re: *Cabre Exploration Ltd.* (26 January 2000), Appeal No. 98-251 (A.E.A.B.) As of April 1, 2002, the appeal is under judicial review.

Appellant(s)	Subject
Appellant(s): Archean Energy Ltd. **Operator:** Archean Energy Ltd. **Location:** Gordondale, Alberta **Type of Appeal:** Discontinuance of Proceedings **Appeal No.** 99-136	On April 27, 1994, Samedan Oil of Canada Inc. ("Samedan") applied for a reclamation certificate for a leased well site located on NW1/4 of 20-79-10-W6M. The site is located on land owned by Mr. Cryil Day. On September 27, 1994, an inquiry was held on the site, and as a result of a fence remaining on the land, a reclamation certificate was not issued. Samedan did not obtain a release from Mr. Day to permit the fence to remain. On January 21, 1998, Archean Energy Inc. ("Archean"), the successor to Samedan, requested the issuance of the same reclamation certificate as they had obtained a release from Mr. Day. On June 7, 1999, the Department advised Archean that a new application would need to be submitted, and the site would have to pass a new inquiry under section 121 of the *Environmental Protection and Enhancement Act*. On June 25, 1999, Archean filed a Notice of Appeal with respect to the decision of Alberta Environment to refuse to issue a reclamation certificate to Archean for specified land located at NW ¼ 20-79-10-W6M. A mediation meeting took place on May 24, 1999, in Edmonton, Alberta. At the mediation meeting, the parties signed an "Interim Agreement Toward a Resolution" and also agreed to conduct a site inspection which took place on June 30, 2000. A second mediation meeting took place on September 6, 2000, however, was unsuccessful. On October 5, 2000, Archean advised the Board that they were working toward resolving the matter with the parties and submitted a settlement to Mr. Day. As the settlement was refused by Mr. Day, negotiations were not progressing, and the parties did not wish to pursue a third mediation meeting settlement conference, the Board, upon review of the file, decided to conduct a hearing via written submissions. On December 8, 2000, the Board received a letter from Archean advising that they wished to withdraw their appeal and as a result, the Board issued a Discontinuance of Proceedings on January 24, 2001. Cite as: *Archean Energy Ltd.* v. *Inspector, Land Reclamation Division, Alberta Environmental Protection* (24 January 2001), Appeal No. 99-136 (A.E.A.B.)
Appellant(s): McCain Foods (Canada) a Division of McCain Foods Limited "McCain" **Operator:** McCain Foods (Canada) a Division of McCain Foods Limited **Location:** near Chin, AB **Type of Appeal:** Report and Recommendations (Active) **Appeal No.** 99-138	On June 30, 2000, McCain filed an appeal with respect to Approval No. 72062-00-00 issued by Alberta Environment for the construction, operation and reclaimation of a vegetable processing plant near Chin, Alberta in the County of Lethbridge. McCain appealed only Condition 4.2.7 of the Approval, which provides general prohibition on harmful air emissions from McCain's plant. McCain requested that the Condition be deleted because it exceeded the Department's jurisdiction under the *Environmental Protection and Enhancement Act* (EPEA) because it prohibits the release of harmful air emissions that cause adverse effects whereas section 98 of the EPEA only prohibits the release of harmful air emissions that cause significant adverse effects. The Board recommended that the Minister dismiss the appeal by McCain and confirm the Department's adoption of Condition 4.2.7. The Board issued a Report and Recommendations to the Minister on July 19, 2000, which he approved on August 31, 2000. Cite as: *McCain Foods (Canada)* v. *Director, Prairie Region, Alberta Environment.*(19 July 2000), Appeal No. 99-138 (A.E.A.B.) As of April 1, 2002, this appeal is under judicial review.

APPENDIX D

Appellant(s)	Subject
Appellant(s): Macalgary Developments (Scenic) Inc. and Sunbow Consulting Ltd. **Operator**: Macalgary Developments (Scenic) Inc. and Sunbow Consulting Ltd. **Location**: Calgary **Type of Appeal**: As Listed **Appeal No.** 99-157	**Overview** - On October 26, 1999, the Board received a Notice of Appeal and Application for a Stay from Macalgary Developments (Scenic) Inc. and Sunbow Consulting Ltd. with respect to Enforcement Order No. 99-01 issued under the *Government Organization Act*. The Order directs the Appellants to remove a berm constructed on a transportation utility corridor established as a Restricted Development Area. **Decision** - The Board made numerous attempts to mediate this matter, however, on August 31, 2001, concluded that since the Department did not wish to participate in another mediation, a pre-hearing by written submission would be scheduled as soon as possible. The Board received submissions regarding the issues to be included in the hearing and included 1. Did the Deputy Minister act within his jurisdiction under the *Government Organization Act* in issuing the Enforcement Order? and 2. Was the decision to issue an Enforcement Order correct and reasonable? The issues brought forth by the Appellants were 1. The scope of Discretion, 2. Issue as Landowner, 3. Information provided to the decision-maker, 4. Was the information sufficient?, 5. Additional information, 6. Environmental effects of compliance, 7. Was there a jurisdictional basis?, 8. Was the Enforcement Order properly issued?, 9. What form of order does the Board consider appropriate? and 10. Costs. Upon reviewing the written submissions, the Board issued a Decision on August 27, 2001 concluding that only the first two issues would be included in the hearing of the appeal and are set out in the Decision. Cite as: *Macalgary Developments (Scenic) Inc. et al.* v. *Deputy Minister, Alberta Environment* (27 August 2001), Appeal N. 99-157 (A.E.A.B.) **Discontinuance of Proceedings** - On September 21, 2001, the Board received a copy of a letter from the Deputy Minister of Environment advising the Enforcement Order had been cancelled. On October 5, 2001, the Appellants advised the Board that they would be removing their appeal. As a result, on October 18, 2001, the Board issued a Discontinuance of Proceedings based on the Appellants' letter of October 5, 2001, and the cancellation of the Enforcement Order. Cite as: *Macalgary Developments (Scenic) Inc. et al. #2* v. *Deputy Minister, Alberta Environment* (18 October 2001), Appeal No. 99-157 (A.E.A.B.)

Appellant(s)	Subject
Appellant(s): Mr. Brian Bildson **Operator:** Smoky River Coal Ltd. **Location:** Grande Prairie, **Type of Appeal:** Decision **Appeal No.** 99-164	On November 15, 1999, the Board received a Notice of Appeal from Mr. Brian Bildson with respect to Amending Approval 11929-01-01 issued to Smoky River Coal Ltd. The Amending Approval authorizes the "opening up, operation and reclamation of the Smoky River Coal Mine and construction, operation and reclamation of the Coal Processing Plant, including the No. 12 Mine South B2 Pit Extension". On January 4, 2000, the Board received a notice from the Alberta Energy and Utilities Board (AEUB) indicating that a pre-inquiry meeting would be taking place on January 26, 2000, with respect to a hearing concerning the same coal mine development. Given this information, the Board wrote to the parties on January 12, 2000, proposing that the appeal be held in abeyance pending the outcome of the AEUB process which was agreed to by Mr. Bildson. On July 19, 2000, Alberta Environment advised the Board that the Approval Holder had been petitioned into receivership and provided the Board with a copy of an order of the Court, in the matter of *Montreal Trust Company of Canada Ltd.* v. *Smoky River Coal Limited et al.* (Action No. 0001-05474, Court of Queen's Bench, Judicial Centre of Calgary) dated July 10, 2000. On February 12, 2001, the Board issued a Decision advising that the appeal was not properly before the Board and as a result, was dismissed. The Board's Decision was based on the following grounds: 1. Regarding the Order of the Court of Queen's Bench, the mine is in the hands of the Department and Alberta Resource Development, 2. Based on the Order of the Court that security posted in relation to the reclamation work is in the Environmental Protection and Enhancement Fund, 3. Pursuant to sections 28 and 30 of the *Environmental Protection and Enhancement Act*, and the Conservation and Reclamation Regulation, the money that was realized from the security posted by the Approval Holder will be used in relation to the reclamation work, 4. The Director has advised that work is currently underway to deal with the environmental matters at the mine, and that the Director also issued an Enforcement Order to ensure the reclamation is carried out. Cite as: *Bildson* v. *Director, Northern East Slopes Region, Alberta Environment*, re: *Smoky River Coal Ltd.* (12 February 2001), Appeal No. 99-164 (A.E.A.B.)

Appellant(s)	Subject
Appellant(s): Legal Oil and Gas Ltd. and Charles W. Forster **Operators:** Legal Oil and Gas Ltd. and Charles W. Forster **Location**: Sturgeon **Type of Appeal**: Decision **Appeal No.** 00-003	On January 14, 2000, the Board received a Notice of Appeal and application for Stay from Legal Oil and Gas Ltd. and Mr. Charles W. Forster. The appeal was with respect to Environmental Protection Order (EPO) No. 2000-01 issued to Legal Oil and Gas Ltd. and Mr. Charles W. Forster for contamination of a well known as LWS 3 LEGAL 3-21-57-25("3 of 21 site") located on lands at LSD3-SW-21-57-25-W4M and an interim Stay of the EPO. The Board granted an abeyance pending the outcome of a judicial review of Board appeal file no. EAB 98-009 as the issues were interrelated. On June 9, 2000, Mr. Justice Clackson denied the judicial review of EPO 98-04 and on July 26, 2000, the Appellants filed a Notice of Appeal with the Court of Appeal with respect to the outcome of the first judicial review. On February 5, 2001, the Court of Appeal discontinued the judicial review and on February 9, 2001, the Board wrote to the parties requesting clarification on their positions and if the Appellant wished to proceed with the appeal. On February 15, 2001, the Appellant advised that he wanted to address factual and legal issues associated EAB 98-009 and EAB 00-003 and on February 26, 2001 the Board provided the opportunity to do so via written submissions. After failing to provide his submission to the Board on March 9, 2001, and being made aware by three separate letters from the Board that failure to respond to a written notice may result in the dismissal of his appeal, the Board, on March 16, 2001, issued a Decision to dismiss the appeal. Cite as: *Legal Oil and Gas Ltd. and Charles W. Forster* v. *Manager, Enforcement and Monitoring, Northeast Boreal Region, Alberta Environment* (16 March 2001), Appeal No. 00-003 (A.E.A.B.)
Appellant(s): North Springbank Water Co-op Limited **Operator:** Emerald Bay Water and Sewer Co-op Ltd. **Location:** near Calgary **Type of Appeal**: Decision **Appeal No.** 00-013	On April 10, 2000, the North Springbank Water Co-op Limited filed a Notice of Appeal with respect to Amending Approval No. 18892-00-03 issued to Emerald Bay Water and Sewer Co-op Ltd. for the construction and operation of wastewater treatment plant, a wastewater collection system and a storm drainage system for the Emerald Bay Estates Development. A mediation meeting took place on June 9, 2001 in Calgary, Alberta. At the mediation meeting, the parties reached an agreement (the "June 9th Agreement") to continue discussions, develop a contingency plan and to make a decision on the course of action to be taken. A second mediation meeting took place on December 7, 2000, where the parties reached a second agreement (the "December 7th Agreement") and agreed to continue to work together to resolve the issues. On March 2, 2001, the Board received the draft Mediation Agreement from the Appellant and forwarded it to the parties for review. By letters of April 10 and 16, 2001, the other parties approved the draft Mediation Agreement and the Board then forwarded the agreement back to the Appellant for comment. On three occasions, the Board requested a status report from the Appellant by May 1, 16 and 30th ,2001. The Board had not heard from the Appellant and on June 5, 2001, a Decision was issued dismissing the Notice of Appeal for failure to comply with a written notice. Cite as: *North Springbank Water Co-op.* v. *Director, Bow Region, Environmental Service, Alberta Environment,* re: *Emerald Bay Water and Sewer Co-op Ltd.* (5 June 2001), Appeal No. 00-013 (A.E.A.B.)

Appellant(s)	Subject
Appellant(s): Byram Industrial Services Limited, Dr. Rosalind Beacom, Dr. Michael Peyton and the Pembina Institute, **Operator**: Drayton Valley Regional Sanitary Landfill Authority **Location:** Drayton Valley **Type of Appeal**: Discontinuance of Proceedings **Appeal Nos.** 00-017 and 00-018	On April 25, 2000, Byram Industrial Services Ltd. (Byram), and Dr. Rosalind Beacom, Dr. Michael Peyton and the Pembina Institute, filed Notices of Appeal with respect to Approval No. 47415-00-01 issued to the Drayton Valley Regional Sanitary Landfill Authority which authorizes the construction, operation and reclamation of the Drayton Valley Regional Landfill. In response to the Board's letter to the Alberta Energy and Utilities Board (AEUB) on April 26, 2000, the AEUB advised that there was a Memorandum of Understanding (MOU) between the AEUB and Alberta Environment that allowed the Drayton Valley Regional Sanitary Landfill to accept petroleum hydrocarbon contaminated soils. On August 15, 2000, the Board advised the parties that the issue of standing would be addressed if a mediation meeting was unsuccessful. On September 8, 2000, the Appellants advised the Board that they were actively engaged in informal mediation and that the Pembina Institute declined to make submissions and attend the preliminary meeting, however, if they did attend, it would be in the capacity of an agent or expert witness for the other Appellants. On September 27, 2000, the Appellants advised the Board that a terms of agreement had been reached between the Approval Holder, Byram and the Appellants and that after meeting with the Department, would consider withdrawing their appeals. On January 10 and 24, 2001, Byram Industrial Services Ltd. and collectively, the Pembina Institute, Dr. Rosalind Beacom and Dr. Michael Peyton respectively, withdrew their appeals. As a result, the Board issued a Discontinuance of Proceedings on February 1, 2001 and closed its file. Cite as: *Byram Industrial Services Limited et al.* v. *Director, Parkland Region, Alberta Environment,* re: *Drayton Valley Regional Sanitary Landfill Authority* (1 February 2001), Appeal Nos. 00-017 and 00-018 (A.E.A.B.)
Appellant(s): Butte Action Committee and the Town of Eckville **Operator:** Crestar Energy **Location**: Eckville, Alberta **Type of Appeal**: Decision **Appeal Nos.** 00-029 and 00-060	On May 23 and August 15, 2000, the Butte Action Committee and the Town of Eckville respectively, filed Notices of Appeal with respect to Approval No. 00077822-00-00 issued under the *Water Act* to Crestar Energy to explore for groundwater in relation to two pre-existing groundwater wells – Well 1966-06-27-01 and Well 1973-11-26-02 both located on LSD 12 in the North West ¼ of Section 28, Township 39, Range 3, West of the 5th Meridian, near Eckville, Alberta. Upon reviewing information submitted by the parties, the Board agreed that the appeals are moot on the grounds that 1. the Approval Holder had met the conditions of the Approval and stated in its letter of January 5, 2001, saying "Since all work under the Approval has been completed [the Board's jurisdiction is lost]" and 2. the Department advised on January 4, 2001, that "The approval activity has been undertaken and completed". Accordingly, the Board dismissed the appeals with one important condition. Since the Board accepts and relied upon the representation of the Approval Holder and the Department that all work under the Approval is spent, if further work under this Approval is done by the Approval Holder, the Board will immediately accept the re-instatement of these appeals with the same status they held prior to this decision. On January 9, 2001, the Board issued its Decision to dismiss the appeals. Cite as: *Butte Action Committee and Town of Eckville* v. *Manager, Regional Support, Parkland Region, Natural Resource Service, Alberta Environment,* re: *Crestar Energy* (9 January 2001), Appeal Nos. 00-029 and 00-060 (A.E.A.B.)

Appellant(s)	Subject
Appellant(s): Genesis Exploration Ltd. **Operator**: Genesis Exploration Ltd. **Location:** Valleyview **Type of Appeal:** Discontinuance of Proceedings **Appeal No.** 00-033	On May 18, 2000, Genesis Exploration Ltd. filed a Notice of Appeal with respect to the refusal of the Department to issue an Approval for the purpose of constructing a petroleum wellsite at 09-24-069-23-W5. On May 29, 2000, the Appellant wrote to the Board indicating that the application they made "was for the re-entry of an existing suspended well and not the construction of a new well", and requested a site visit to resolve the matte. The Board placed the appeal in abeyance until May 1, 2001 due to the site assessment and construction plans. In a letter received by the Board on February 12, 2001, the Appellants withdrew their appeal. As a result, the Board issued a Discontinuance of Proceedings on February 12, 2001 and closed its file. Cite as: *Genesis Exploration Ltd.* v. *Manager, Regional Support, Northwest Boreal Region, Alberta Environment.* (12 February 2001), Appeal No. 00-033 (A.E.A.B.)
Appellant(s): Messrs. Marc and Roch Bremont **Operator**: Messrs. Marc and Roch Bremont **Location**: Falher **Type of Appeal** – As Listed **Appeal No.** 00-035	**Overview** – On May 19, 2000, Messrs. Marc and Roch Bremont filed a Notice of Appeal with respect to the Alberta Environment's refusal to issue an Approval under the *Water Act*, authorizing an existing ditch used to deal with alleged flooding on the Appellants' land at NW 27-079-21-W5M, adjacent to Lac Magliore. The Appellants' advised the weir structure, constructed by Ducks Unlimited, caused flooding on the Appellants' property, and hence, they decided to construct a drainage ditch. **Discontinuance of Proceedings** - The Board held a mediation meeting on April 10, 2001, in Falher, Alberta. Since the mediation was unsuccessful, the Board proceeded to a hearing on November 7, 2001, in the Board's office. On October 26, 2001, the Board advised the parties that the only issue to be heard was "whether the drainage ditch should be authorized under the *Water Act* or should it be closed and rendered ineffective?" Intervenor requests were received from Ducks Unlimited, and Messrs. Hayden, Oliver and Garde-Hansen, which were granted by the Board on October 26, 2001. On November 2, 2001, the Board wrote to Appellants confirming a telephone conversation between Board staff and the Appellants advising they would be withdrawing their appeal. A letter was sent to the Board from the Appellants to this effect on November 2, 2001. On the same day, the Board received a letter from Ducks Unlimited seeking costs related to this appeal, which the Board advised would be dealt with via a separate Decision. As a result of the withdrawal, the Board issued a Discontinuance of Proceedings on November 22, 2001, and closed its file. Cite as: *Bremont* v. *Director, Northwest Boreal Region, Natural Resources Service, Alberta Environment.* (22 November 2001), Appeal No. 00-035 (A.E.A.B.) **Costs Decision** - An application for costs was received from Ducks Unlimited, an intervenor, in the amount of $743.72 for legal fees and air travel associated with the hearing that had been scheduled. As the costs applied for did not relate directly to the matters contained in the Notice of Appeal nor to the preparation and presentation of the submission, the Board, in its Cost Decision of May 8, 2001, did not award costs to Ducks Unlimited. Cite as: *Cost Decision* re: *Ducks Unlimited* (8 May 2001), Appeal No. 00-035 (A.E.A.B.)

Appellant(s)	Subject
Appellant(s): Mr. Jurgen Preugschas **Operator:** Pigs R Us Inc. **Location:** near Mayerthorpe **Type of Appeal:** Decision **Appeal No.** 00-039	On May 26, 2000, Mr. Jurgen Preugschas filed a Notice of Appeal with respect to Water Licence Nos. 00082554-00-00 and 000825613-00-00 issued under the *Water Act* to Pigs R Us Inc., for the diversion of water subject to certain conditions. The appeal was held in abeyance from September 15, 2000 to February 20, 2001, pending discussions between the Appellant and Alberta Environment. On February 9, 2001, the Department advised the Board that further amendments to the monitoring requirements within the Licences were being forwarded to the Appellant for approval. On February 20, 2001, Alberta Environment advised the Board that after several unsuccessful attempts they could not reach the Appellant regarding the amendments. The Board also attempted unsucessfully to contact the Appellant by telephone on February 21 and 23, 2001. Based on factual inconsistencies given by the Appellant with respect to the reasons for not returning calls made to the Board and the Department, the Board issued a Decision to dismiss the Notice of Appeal. Cite as: *Pigs R Us Inc.* v. *Director, Northern East Slopes Region, Alberta Environment.* (1 March 2001), Appeal No. 00-039 (A.E.A.B.)

Appellant(s)	Subject
Appellant(s): Siksika First Nation and Mr. Clinton Blyth **Operator:** Town of Strathmore **Location:** Town of Strathmore **Type of Appeal:** Discontinuance of Proceedings **Appeal Nos.** 00-040 and 00-041	On June 16 and 20, 2000, the Siksika First Nation and Mr. Clinton Blyth respectively, filed Notices of Appeal with respect to Amending Approval No. 1190-01-04 issued to the Town of Strathmore. The Approval is an amendment to Approval No. 1190-01-00, which authorizes the operation of a wastewater treatment plant, a wastewater collection system and a storm drainage system for the Town of Strathmore. In response to a copy of an August 2, 2001, Statement of Concern letter from Mr. Blyth to Alberta Environment regarding the Town of Strathmore's application for a further approval for the addition of tertiary treatment capabilities to the wastewater treatment plant, the Board, on August 10, 2001, wrote to the Appellants advising that the Town of Strathmore's current Approval was still active and that the Town applied for a new approval to address longer term sewage effluent discharges. The Board further explained that if the approval was granted, the previous approval would be cancelled and therefore, encouraged the Appellants to file a Statement of Concern for the new application to ensure a Notice of Appeal could be filed should the approval be granted. After reviewing the information provided by the parties, the Board wrote to the parties on November 7, 2000, advising that a hearing would take place to address the appeals in relation to the Amending Approval and that the issue of Mr. Blyth's standing would be addressed at the beginning of the hearing which was later scheduled to take place in Calgary on January 17 and 18, 2001. On December 18, 2000, the Operator informed the Board that the proposal was not satisfactory to the Appellants and was therefore withdrawn. On the same day, the Siksika First Nation wrote to the Board advising of their intention to withdraw their appeal, however, on January 4, 2001, advised the Board that the they would take part in a hearing as their intent to withdraw their appeal depended on the formalization of commitments and the addition to the approval. Further to the Operator's request on January 3, 2001, and in consultation with the parties on January 5, 2001, the Board agreed to adjourn the hearing. On January 7, 2001, the Operator wrote to the parties (including the Siksika First Nation) and provided them a draft "Memorandum of Principles of Settlement" as discussed at a joint meeting on January 5, 2001. On January 29, 2001, the Director advised the Board that application 1190-05 for an amending approval had been signed and distributed to the parties. From January 29 - February 23, 2001, the parties worked toward finalizing the Memorandum of Settlement and on March 5 and April 6, 2001, the Board received notice that Mr. Blyth and the Siksika First Nation respectively, would sign the agreement. On May 28, 2001, the Board received a letter from the Director enclosing the Approval for the tertiary plant and as outlined in the Board's letter of May 25, 2001, issued a Discontinuance of Proceedings on June 4, 2001 and closed its files. Cite as: *Siksika First Nation and Blyth* v. *Director, Bow Region Environmental Service, Alberta Environment;* re: *Town of Strathmore* (4 June 2001), Appeal Nos. 00-040 and 00-041 (A.E.A.B.)

Appellant(s)	Subject
Appellant(s): Mr. Steve and Wendy Mazure, Ms. Maxine Dubuc, Mr. Terry Fisher, Mr. -Barry and Ms. Lana Love, Mr. Carl Anderson, Mr. Henry Hays, Ms. Ina Fisher, Mr. Rae Fisher, Mr. Jack Potter, Ms. Florence Koughnett, Ms. Marjorie Korth, Mr. Joe and Ms. Pearl Bebee, Mr. Greg and Ms. Jolie Schachtschneider **Operator**: Taiwan Sugar Corporation **Location**: near Hardisty **Type of Appeal**: Active **Appeal Nos.** 00-042-046, 00-048, 053, 056, 00-057	On July 6, 7, 10, 11, 13, 17 18, 19, 24, 31, September 19, 2000, the Environmental Appeal Board received Notices of Appeal from Mr. Steve and Wendy Mazure, Ms. Maxine Dubuc, Mr. Terry Fisher, Mr. Barry and Ms. Lana Love, Mr. Carl Anderson, Ms. Ina Fisher, Mr. Rae Fisher, Mr. Henry Hays, Mr. Jack Potter, Ms. Florence Koughnett, Ms. Marjorie Korth, Mr. Joe and Ms. Pearl Bebee, Mr. Greg and Ms. Jolie Schachtschneider respectively with respect to Approval No. 00081681-00-00 issued under the *Water Act* to the Taiwan Sugar Corporation for the purpose of exploring for groundwater near Hardisty, Alberta. As most of the Appellants were involved in a corresponding appeal with respect to a Developmental Appeal Board hearing, the appeals would be held in abeyance pending the outcome of the Development Appeal Board hearing and also noted that submissions with respect to the issue of timing and deadlines would need to be submitted to the Board once the aforementioned hearing had taken place. As of April 1, 2002, these appeals are under Judicial Review.

Appellant(s)	Subject
Appellant(s): Mr. Don and Ms. Marjorie Bower **Operator**: Mr. Don and Ms. Marjorie Bower **Location**: near Red Deer, **Type of Appeal:** Report and Recommendations **Appeal No.** 00-054	On July 24, 2000, Mr. Don and Ms. Marjorie Bower filed a Notice of Appeal with respect to the decision of Alberta Environment to refuse to issue a licence under the *Water Act* to Mr. Don and Ms. Marjorie Bower for the diversion of groundwater at NE 30-038-26-W4M for the purpose of a municipal subdivision water supply. The Appellants advised the Board that they would be having an informal meeting with Alberta Environment, and allow the meetings to ensue, the Board held the appeal in abeyance until October 27, 2000. On November 14, 2000, the Board received a letter from the Department advising that they did not wish to pursue mediation and requested the Board proceed to a hearing. After determining issues to be addressed at the hearing at a preliminary meeting via written submissions, the Board held the hearing on April 2, 2001 in Edmonton. The Board concluded that Alberta Environment's decision to deny the licence application failed to serve the purpose of the *Water Act* as stated in section 2. The Board recommended its Report and Recommendations to the Minister on May 28, 2001, that he vary the decision of Alberta Environment and order: the Appellants to complete appropriate remedial actions to repair the improper well completion of WTH 2-97; the Appellants to perform an aquifer test on WTH 2-97 to accepted professional standards; and the Department, provided that the aquifer test of WTH 2-97 does not substantially contradict the previous findings on available groundwater yield, to issue a licence for the diversion of 5,110 cubic metres of water from WTH 1-97. The Board also notes that costs were not awarded as both parties indicated that they did not wish to make an application for costs. On June 20, 2001, the Minister approved the Board's recommendations. Cite as: *Bower* v. *Director, Parkland Region, Natural Resources Service, Alberta Environment* (28 May 2001), Appeal No. 00-054 (A.E.A.B.)
Appellant(s): Mr. Don Kadutski **Operator:** Ranger Oil Limited, **Location**: near Elk Point, **Type of Appeal:** Decision **Appeal No.** 00-055	On July 28, 2000, the Board received a Notice of Appeal from Mr. Don Kadutski with respect to Approval No. 00082533-00-00 issued under the *Water Act* to Ranger Oil Limited. The Approval authorizes the Approval Holder to explore for groundwater at 19-055-06-W4M, 20-055-06-W4M, 29-055-06-W4M and 30-055-06-W4M. On September 12, 2000, the Board received a letter from the Appellant advising that Canadian Natural Resource Limited was the successor to Ranger Oil Limited and as a result, was now the Approval Holder. On October 26, the Appellant requested the file be held in abeyance as the matter was before the Energy and Utilities Board (EUB). On November 15, 2000 the Board received a status report from the Approval Holder advising that they had determined that the wells are not required for either remediation purposes or for any other function and the wells are abandoned, they will then request the Department to cancel the Approval. The appeal was held in abeyance until April 2, 2001, and from April 6 to June 4, 2001, the Board received information from the parties with respect to actions to take place regarding the abandoned wells. Given the information presented to the Board, on August 28, 2001, it issued a Decision concluding that the Notice of Appeal was not properly before the Board; it is moot or without merit, and that the proper forum for this matter is the EUB and that the appeal should be dismissed for each of these concerns on their own. Cite as: *Kadutski* v. *Director, Northeast Boreal Region, Natural Resources Service, Alberta. Environment,* re: *Ranger Oil Limited* (28 August 2001), Appeal No. 00-055 (A.E.A.B.)

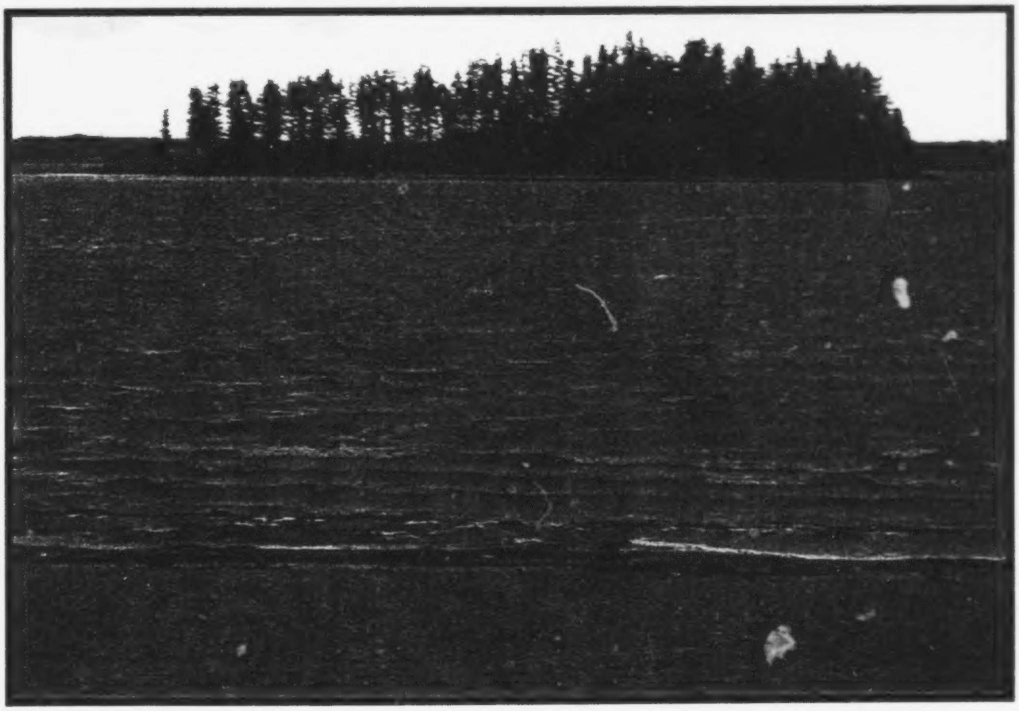
Appellant(s)	Subject
Appellant(s): Westridge Water Supply Ltd. **Operator:** Westridge Water Supply Ltd. **Location**: Calgary **Type of Appeal:** Decision **Appeal No.** 00-059	On August 15, 2000, the Board received a Notice of Appeal from Westridge Water Supply Ltd. objecting to a number of terms and conditions of Preliminary Certificate 00081364-00-00 issued under the *Water Act* to Westridge Water Supply Ltd. The Preliminary Certificate states that the Appellant will receive a licence, upon compliance with certain conditions, to divert up to 787,101 cubic metres of water annually with the source of water supply being the Elbow River in NE 6-24-2-W5, through two production wells identified as Production Well No. 1 and Production Well No. 2 with Priority No. 1999-09-09-002. The Board needed to decide whether the appeal could continue, given the Appellant sold the rights under the Preliminary Certificate to a successor company (Westridge Utilities Inc.) and Alberta Environment formally transferred the Preliminary Certificate to that successor. On May 1, 2001, the Board issued a Decision advising 1. Westridge Utilities Inc. will be substituted for Westridge Water as the sole Appellant for jurisdictional purposes, 2. Westridge Water may continue to participate in the Appeal, but as a "party", and lastly, 3. All parties should contact the Board (through its Registrar of Appeals) as soon as possible to set a quick hearing date. Cite as: *Westridge Water Supply Ltd. #2* v. *Director, Bow Region, Natural Resources Service, Alberta Environment.* (1 May 2001), Appeal No. 00-059 (A.E.A.B.)
Appellant(s): Mr. William Fedoruk **Operator:** Canadian Natural Resources Limited **Location:** County of Minburn **Type of Appeal:** Decision **Appeal No**. 00-062	On September 22, 2000, the Board received a Notice of Appeal from Mr. William Fedoruk appealing the issuance of Reclamation Certificate 38902 to Canadian Natural Resources Limited for the surface of land within NE 9-54-15-W4M in connection with the well known as Prevident Merrill Warwick 10-9-54-15, which is located on Mr. Fedoruk's property. On November 17, 2000, Alberta Environment requested the appeal be held in abeyance until late spring or early summer as mediation would be most likely successful if a site visit was included. The appeal was held in abeyance until May 1, 2001. From April 30 to June 20, 2001, the Board tried to schedule available dates for a mediation meeting/settlement conference but had difficulty doing so based on the parties' schedules. On June 20, Board staff left a telephone message at the Appellant's home asking if he was available September 5 or 25, 2001 for a mediation meeting. Board staff left home and work numbers and no response was received. The Board called again with no response. The Appellant was requested in a letter of June 22, 2001, to provide the Board with information it requested in its June 13, 2001 letter by June 27, 2001. This letter also included a statement indicating that failure to provide the information requested may result in the dismissal of the appeal. On June 28, 2001, the Appellant contacted the Board's office and advised that he wished to proceed with the mediation meeting in August 2001. On June 28, 2001, the Board issued a Decision to dismiss the Notice of Appeal for failure to respond to the Board's requests on a timely basis. Cite as: *Fedoruk* v. *Director, Environmental Service, Parkland Region, Alberta Environment,* re: *Canadian Natural Resources Limited* (28 June 2001), Appeal No. 00-062 (A.E.A.B.)

Appellant(s)	Subject
Appellant(s): Mr. Wayne Watson **Operator:** Danoil Energy Ltd. (now Acclaim Energy Ltd.) **Location:** Chauvin **Type of Appeal:** Discontinuance of Proceedings **Appeal No.** 00-063	On October 10, 2000, the Board received a Notice of Appeal from Mr. Wayne Watson appealing the issuance of Reclamation Certificate 39819 to Danoil Energy Ltd. (now Acclaim Energy Ltd.) and Envirsoil Land Management Ltd. which certified the surface of land within NE 25-41-2-W4M in connection with Aledo Et Al Hayter 9D-25-41-2 well complied with the conservation and reclamation requirements. On November 21, 2000, the Board received a request for a mediation meeting at the site to evaluate any concerns and advised that the Operator was in agreement. The Operator later advised that they would be agreeable to a mediation meeting in late May 2001. On December 19, 2000, the Board advised the parties that the appeal would be held in abeyance until May 2001, as there would be vegetation to inspect and the parties could provide available dates at that time. The Board held a mediation meeting and site visit in Chauvin, Albert on June 6, 2001, whereby a resolution was reached. On June 15, 2001, based on the parties' resolution, the Board issued a Discontinuance of Proceedings and closed its files. Cite as: *Watson* v. *Director, Parkland Region, Environmental Service, Alberta Environment*, re: *Danoil Energy Ltd.* (15 June 2001), Appeal No. 00-063 (A.E.A.B.)
Appellant(s): Mr. Neil Martin **Operator**: Mr. Neil Martin **Location:** Summer Village of Island Lake **Type of Appeal**: Report and Recommendations **Appeal No.** 00-065	On October 30, 2000, the Board received a Notice of Appeal from Mr. Neil Martin with respect to Enforcement Order 2000-WA-02 issued under the *Water Act* to Mr. Martin. The Order states that the Appellant placed sand on the bed and shore of Island Lake in the Summer Village of Island Lake and is in violation of section 36(1) of the *Water Act*. The Order requires Mr. Martin to submit a plan to Alberta Environment outlining the remedial action to be taken to remove the sand from the bed and shore of Island Lake and requires the Appellant to carryout the plan once reviewed by the Department. The Appellant would like the Order rescinded and the development of a shoreline study. The Board scheduled a hearing for March 2, 2001, and received intervenor requests from Mr. Gary and Ms. Cathy Fitzgerald (additional lakefront property owners) on February 16, 2001, and Ms. Lorraine Robertson, the Administrator for the Summer Village of Island Lake, on February 22, 2001. The Board advised it would permit the Fitzgeralds to participate at the hearing and the Fitzgeralds and Summer Village of Island Lake Council's written submissions of February 28, 2001 would be accepted by the Board. A hearing took place on March 2, 2001, and reconvened on March 9, 2001 to hear closing arguments and ask final questions. The issue before the Board at the hearing was whether the Appellant undertook an activity without an approval when an approval was required, and whether the Alberta Environment acted reasonably, within his jurisdiction, and properly exercised his discretion to issue the Order. On June 8, 2001, the Board issued a Report and Recommendations, advising that it believed Alberta Environment took too strong an action in dealing with the Appellant, however the Appellant carried out an activity requiring an approval without an approval. The Board recommended that the Enforcement Order be varied to replace the requirement to remove the sand with a requirement for the Appellant to work with the Department to develop a maintenance program for the lakefront of his property that will minimize environmental impacts to be developed within 6 months of the Minister's approval and implemented immediately thereafter. The Minister approved the recommendations on August 9, 2001. *Cite as: Martin* v. *Director, Northeast Boreal Region, Natural Resources Service, Alberta Environment* (8 June 2001), Appeal No. 00-065 (A.E.A.B.)

Appellant(s)	Subject
Appellant(s): Fas Gas Oil Ltd. and Fas Gas Realty Ltd. **Operator**: Fas Gas Oil Ltd. and Fas Gas Realty Ltd. **Location:** Provost **Type of Appeal:** Decision **Appeal No.** 00-066	On November 1, 2000, Fas Gas Oil Ltd. and Fas Gas Realty Ltd. filed a Notice of Appeal with the Board with respect to Environmental Protection Order No. 2000-9 (the "EPO"). The EPO was issued to the Appellants for soil contamination at a gas station in Provost, Alberta. The Appellants advised the contamination was on the site prior to Fas Gas taking possession of the gas station. On November 7, 2000, the Board acknowledged a letter from the Appellants requesting a Stay of the Order. On November 15, Alberta Environment advised no action would be taken under the EPO until the appeal was resolved. The Board advised the parties that a mediation meeting would be held on December 5, 2000, however it was later cancelled as the Department requested an abeyance until January 19, 2001 to accommodate an ongoing investigation into the EPO. After an investigation and discussions with the Appellants, on November 13, 2001, Alberta Environment advised the EPO would be withdrawn. As a result, the Board issued a Decision on November 19, 2001, dismissing the appeal under section 87(5) of *the Environmental Protection and Enhancement Act* for being either moot, not properly before the Board or without merit. Cite as: *Fas Gas Oil Ltd. and Fas Gas Realty Ltd.* v. *Director, Enforcement and Monitoring, Bow Region, Alberta Environment* (19 November 2001), Appeal No. 00-066 (A.E.A.B.)
Appellant(s):McColl-Frontenac Inc. **Operator**: McColl-Frontenac Inc. **Location:** Calgary **Type of Appeal**: Report and Recommendations (Active) **Appeal No.** 00-067	This is an appeal of Environmental Protection Order No. 2000-08 (the "EPO") issued by Alberta Environment under the *Environmental Protection and Enhancement Act* (the "Act"). The EPO requires McColl-Frontenac Inc. (McColl) to assess the extent and nature of pollution at a site in northwest Calgary and to design and implement plan for remediating that pollution. McColl is the successor to several companies that owned the site and operated a gas station on it for roughly twenty-five years. However, the gas station ceased operating in the late 1970s. For much of the time since, the site has been used for the operation of two equipment rental businesses. The Board heard the appeal through written submissions and included Al's Equipment Rentals (1978) Ltd., a previous occupant. In its submission, McColl argues that: (a) Alberta Environment violated the Legislature's intent by applying a section 102 EPO retrospectively to facts that occurred before the Act came into force; (b) Alberta Environment violated McColl's legitimate expectation that would follow the *Guidelines for the Designation of Contaminated Sites*: (c) Alberta Environment erred by failing to name other parties as responsible persons; and (d) Alberta Environment erred by issuing the EPO under section 102 rather than under section 114 of the Act. The Board issued a Report and Recommendations on December 7, 2001 that the Minister affirm the EPO, while requiring the Department to consider in the future whether to designate the site as a contaminated site under section 110 of the Act and apply the remaining provisions of Part 4, Division 2 of the Act. The Minister agreed with the Board and issued Order 01/2002 on January 10, 2002 stating (1) order that the decision of the Director respecting the EPO is confirmed; and, (2) further order the Director to activate the EPO immediately under section 102 and, if new evidence supports it, to give due consideration to applying the procedures in Part 4 Division 2 to the site. Cite as: *McColl-Frontenanc Inc.* v. *Director, Enforcement and Monitoring, Bow Region, Environmental Service, Alberta Environment.* (7 December 2001), Appeal No. 00-067 (A.E.A.B.) As of March 31, 2002, this appeal has gone to judicial review

Appellant(s)	Subject
Appellant(s): Mr. Robert and Mrs. Christine Lederer and Mr. Pat and Mrs. Rita Chant **Operator**: Spruce Valley Ranch Ltd. **Location:** Millarville **Type of Appeal**: Decision **Appeal Nos.** 00-068 and 00-069	On November 9, 2000, Mr. Robert and Mrs. Christine Lederer and Mr. Pat and Mrs. Rita Chant filed Notices of Appeal with respect to Preliminary Certificate 00079765-00-00 issued under the *Water Act* to Spruce Valley Ranch Ltd.. The Certificate states that the Approval Holder will receive a licence to divert 59,018 cubic metres of water annually at a maximum rate of 0.0037 cubic metres per second from the Coulee Tributary of Threepoint Creek in the NW1/4 of Section 2, Township 21, Range 3, West of the 5th Meridian with priority number 1999-09-7-003 upon compliance with certain conditions. On December 5, 2000, Alberta Environment wrote to the Board making a motion to dismiss the appeals as the concerns raised were not contained in the Certificate and wanted to know the "directly affected" status of the Appellants. On January 12 and 16, 2001, the Board received letters from Mr. Daryl Seaman and Mr. R.B. McBride respectively, advising that they were both downstream residents of the proposed developments and designated the Appellants to act as their agents. On January 22, 2001, the Board advised Messrs. Seaman and McBride that the appeal period with respect to the issuance of the Certificate had expired, but they could apply as intervenors should the matter proceed to a hearing. After reviewing initial, response and rebuttal submissions by the parties, the Board issued a Decision on March 6, 2001 to dismiss the appeals as the Appellants did not disclose clear grounds of appeal. Cite as: *Lederer and Chant* v. *Director, Bow Region, Alberta Environment* re: *Spruce Valley Ranch Ltd.* (6 March 2001), Appeal Nos. 00-068 and 00-069 (A.E.A.B.)
Appellant(s): Mr. Elgar Newsham **Operator:** Mr. Elgar Newsham **Location:** Innisfail **Type of Appeal:** Decision **Appeal No.** 00-070	On November 9, 2000, Mr. Elgar Newsham filed a Notice of Appeal with respect to Approval No. 00141557-00-00 issued under the *Water Act*, to Mr. Elgar Newsham for the exploration of groundwater subject to certain conditions. On December 4, 2000, the Board received a letter from the Department advising they would be cancelling the Approval issued as the Appellant applied for a Traditional Agriculture Use Registration. On January 11, 2001, the Board received a letter from Alberta Environment advising the Approval was cancelled and wrote to the Appellant on January 15, 2001 requesting whether or not he would be withdrawing his appeal. No response was received and after numerous attempts to reach Mr. Newsham via telephone, on January 30, 2001, the Board issued a Decision to dismiss the Notice of Appeal. *Cite as: Newsham* v. *Manager, Regional Support, Parkland Region, Alberta Environment* (30 January 2001), Appeal No. 00-070 (A.E.A.B.)

Appellant(s)	Subject
Appellant(s): Mr. Chet Gilmore and Mr. Gary and Ms. Cathy Fitzgerald **Operator:** Mr. Chet Gilmore and Mr. Gary and Ms. Cathy Fitzgerald **Location:** Summer Village of Island Lake **Type of Appeal:** Report and Recommendations **Appeal Nos.** 00-071-072	On November 23 and 24, 2000, the Board received Notices of Appeal from Mr. Chet Gilmore, and Mr. Gary and Ms. Cathy Fitzgerald, respectively. The appeal was with respect to the issuance of Enforcement Order 2000-WA-05 issued to Mr. Gilmore and Enforcement Order 2000-WA-04 issued to the Fitzgeralds by Alberta Environment. The Orders state the Appellants placed sand on the bed and shore of Island Lake and outline remedial action (removal of walkways) to be taken to remove the sand from the bed and shore of Island Lake. On March 9, 2001, the Board convened a hearing into the appeals. The issues before the Board are whether the Appellants engaged in placing sand on the bed and shore of Island Lake without an approval, and whether or not the Department acted reasonably, within jurisdiction, and properly exercised discretion to issue the Orders. Following initial deliberations, the Board reopened the hearing to receive written submissions. On June 8, 2001, the Board issued a Report and Recommendations to the Minister that the decision of the Department to issue the Orders should be varied to 1. Replace requirements to remove sand placed on the bed and shore with a requirement for the Appellants to work with the Department to develop a maintenance program for the lakefront of their properties to minimize environmental impacts, and 2. The plans should be developed within six months of the date of the Minister's Orders respecting these appeals and implemented as soon as possible. The Minister approved the recommendations on August 9, 2001. Cite as: *Gilmore and Fitzgerald* v. *Director, Northeast Boreal Region, Natural Resources Service, Alberta Environment* (8 June 2001), Appeal Nos. 00-071 – 072 (A.E.A.B.)



Appellant(s)	Subject
Appellant(s): Metis Nation of Alberta Zone II Regional Council **Operator:** AEC Pipelines Ltd. **Location:** near Cold Lake **Type of Appeal:** Decision **Appeal No.** 00-073	This Decision deals with two Notices of Appeal filed by the Metis Nation of Alberta Zone II Regional Council in relation to AEC Pipelines Ltd.'s Foster Creek Pipeline Project near Cold Lake. The question before the Board is the Appellant's ability to file their Notices of Appeal. On August 8, 2000, the Appellants wrote to Alberta Environment to file a Statement of Concern in relation to the project and advised they were prime stakeholders within the region. On November 15, 2000, the Department responded and advised the Appellants that their letter could not be considered a "formal" Statement of Concern as there was no indication of use of the lands in the Cold Lake Air Weapons Range by the Metis as the lands are restricted by the Department of National Defence. On November 16, 2000 the Director issued Approval No. 136570-00-00 to the Approval Holder for the project. On December 14, 2000 the Board received a Notice of Appeal (the "First Notice of Appeal") filed by Mr. Henry Desjarlais, President of the Metis Nation of Alberta Zone II Regional Council requesting the Board order Alberta Environment to accept the Statement of Concern. Therefore, the first Notice of Appeal appealed the Department's decision to reject the Statement of Concern and not the decision to issue the Approval. On January 5, 2001, the Appellant filed their second Notice of Appeal with respect to the Approval and on February 7, 2001, the Board held an oral preliminary meeting. After reviewing the parties' submissions, and hearing their arguments, the Board issued a Decision on March 20, 2001, concluding that the Appellant was not directly affected according to the *Environmental Protection and Enhancement Act*. Cite as: *Metis Nation of Alberta Zone II Regional Council* v. *Director, Bow Region, Environmental Service, Alberta Environment* re: *AEC Pipelines Ltd.* (20 March 2001), Appeal No. 00-073 (A.E.A.B.)
Appellant(s): Ms. Gwen Bailey, Enmax Energy Corporation, Mr. Nick Zon, Mr. Blair Carmicheal, Ms. Donna Thomas and the Summer Village of Kapasiwin, Mr. James Paron, the Village of Wabamun, Mr. David Doull, Lake Wabamun Enhancement and Protection Association, the Summer Village of Point Allison **Operator**: TransAlta Utilities Corporation **Location:** Village of Wabamun **Type of Appeal:** As Listed **Appeal Nos.** 00-074, 075, 077, 078, 01-001-005 and 011	**Overview** - On December 28, 2000 and January 2, 3, 4, and 10, 2001 the Board received Notices of Appeal from the following parties (collectively the "Appellants"), Ms. Gwen Bailey and the Summer Village of Point Alison; Enmax Energy Corporation ("Enmax"); Mr. Nick Zon; Mr. Blair Carmichael; Ms. Donna Thomas and the Summer Village of Kapasiwin; Mr. James Paron, the Village of Wabamun; Mr. David Doull; the Lake Wabamun Enhancement and Protection Association ("LWEPA"); and the Summer Village of Point Alison with respect to the issuance of Approval 10323-02-00 to TransAlta Utilities Corporation ("TransAlta") for the operation and reclamation of the Wabamun Thermal Electric Power Plant, in the Village of Wabamun. **Decision** - Upon request by the Board the Alberta Energy and Utilities Board (AEUB) advised that TransAlta currently held AEUB Approval No. HE 8109 with respect to the Wabamun Power Plant. On January 25, 2001, the Board advised the Appellants that it would proceed to an oral preliminary meeting, which took place on March 1, 2001 at the Board's office, to consider the status of the appeals filed by Enmax and determine which of the issues included in the Notices of Appeal would be included in a hearing. The Board also advised that it would consider "issue estoppel", to prevent it from rehearing issues that already heard and decided in the previous appeals regarding the Wabamun Power Plant. As a result of the preliminary meeting, the Board issued a Decision on March 13, 2001, concluding that all Appellants, with the exception of Enmax, are directly affected by the Wabamun Power Plant, and as a result, have standing. The Board was also prepared to revisit, within specific conditions, the issues of public safety, harvesting weeds,

Appeal Nos. 00-074, 075, 077, 078, 01-001-005 and 011 **continued.**

and sediment deposition at Point Alison. Lastly, the Board also concluded that it would accept submissions regarding 4.1.2 and 4.3.27 of the Approval, regarding timing and duration only, but including the length (the term) of the Approval.

Cite as: *Bailey et al.* v. *Director, Northern East Slopes Region, Environmental Service, Alberta Environment,* re: *TransAlta Utilities Corporation* (13 March 2001), Appeal Nos. 00-074, 075, 077, 078, 01-001-005 and 011 (A.E.A.B.)

Decision (Preliminary Motions) – On March 20, 2001, the Board advised the parties that it would hold a hearing on April 18 & 19, 2001 at its office in Edmonton and accepted the following preliminary motions: Reconsideration Requests (lake levels) from Messrs. Zon and Doull on March 15, 2001; Adjournment and Interm Cost Request from Mr. Zon on March 19, 2001; Reconsideration Request (AEUB licence and priority number) from Mr. Zon on March 22, 2001, Interm Cost Request from Mr. Carmichael on March 23, 2001; Reconsideration Request (delta T) from Mr. Zon on March 26, 2001; and Interim Costs Request from LWEPA on March 26, 2001. On April 17, 2001, the Board issued a Decision concluding that the reconsideration request of Mr. Zon of March 15, 22, and 26, and Mr. Doull dated March 15, 2001 are dismissed pursuant to section 87(4) that: 1. only the issues that will be considered at the hearing of these appeals are those specified in the Board's March 13, 2001 Decision; and 2. Representation with respect to other matters will not be permitted. The Board also denied all other preliminary motions and provided specific reason within its Decision.

Cite as: Preliminary Motions: *Bailey et al.* v. *Director, Northern East Slopes Region, Environmental Service, Alberta Environment* re: *TransAlta Utilities Corporation* (13 March 2001), Appeal Nos. 00-074, 075, 077, 078, 01-001-005 and 011 (A.E.A.B.)

Report and Recommendations – On April 18 and 19, 2001, the Board convened a hearing. The issues identified at the hearing included ice safety, alternate technologies to control weeds, sediment deposition at Point Alison, definitions of cooling water and decomissioning, watershed management plan, section 4.1.2 and the ten-year term, sections 4.3.27 and 4.1.3 and public consultation. On May 18, 2001, the Board issued its Report and Recommendations with the following recommendations to the Minister: 1. Confirm the definitions of decomissioning and cooling water in the Approval, being sections 1.1.2(m) and 1.1.2(i) respectively; confirm the provision dealing with the watershed management plan in the Approval, being section 4.3.24, subject to the proposed clerical amendment of Alberta Environment should the Department choose to make that amendment; confirm section 4.1.2 and the ten-year term of the Approval; vary the Approval by adding provisions (as outlined in this Report and Recommendations) as proposed by TransAlta – sections 4.3.27.1, 4.3.27; and vary the Approval by deleting section 4.1.3 and replacing it with a new provision. Prior to the close of the hearing, the Board received applications for final costs from LWEPA and the Village of Wabamun and requested that submissions in relation to the cost applications be provided to the Board two weeks from the date of the Minister's Order with respect to the Report and Recommendations. The Minister issued a Ministerial Order approving these recommendations on June 20, 2001.

Cite as: *Bailey et al. #2* v. *Director, Northern East Slopes Region, Environmental Service, Alberta Environment,* re: *TransAlta Utilities Corporation* (18 May 2001), Appeal Nos. 00-074, 075, 077, 078, 01-001-005 and 011 (A.E.A.B.)

Appellant(s)	Subject
Appellant(s): Mr. Perry, Ms. June and Ms. Marie Ellis **Operator**: Village of Standard **Location:** Village of Standard **Type of Appeal:** Discontinuance of Proceedings **Appeal No.** 00-076	On December 29, 2000, the Board received a Notice of Appeal from Mr. Perry and Ms. June and Ms. Marie Ellis with respect to Approval No. 00082525-00-00 issued under the *Water Act* to the Village of Standard. The Approval authorizes the maintenance of existing works, upgrade of the water collection system, replacement of water supply line, and the ability to conduct spring supply testing and examination in the Village of Standard. After numerous abeyances, the Board finally set the matter down for hearing on October 29, 2001. On October 19, 2001, the Board received a letter from the Appellants advising that an agreement had been reached and they would be withdrawing their appeal. As a result, on October 26, 2001, the Board issued a Discontinuance of Proceedings and closed its file. Cite as: *Ellis* v. *Director, Bow Region, Natural Resources Service, Alberta Environment*, re: *Village of Standard* (26 October 2001), Appeal No. 00-076 (A.E.A.B.)
Appellant(s): James Paron, the Village of Wabamun and the Lake Wabamun Enhancement and Protection Association **Operator:** TransAlta Utilities Corporation **Location:** Village of Wabamun **Type of Appeal:** Costs Decision **Appeal Nos:** 01-002, 01 -003 and 01-005	The Board held a preliminary meeting, a mediation meeting and settlement conference, and a hearing related to a number of appeals in relation to Approval No. 10323-02-00 issued to TransAlta Utilities Corporation (TransAlta) for the operation and reclamation of the Lake Wabamun Thermal Electric Power Plant, located in the Village of Wabamun, west of Edmonton, Alberta. Ten appeals were received by the Board in response to the Approval being issued to TransAlta. Among these were appeals filed by the Enmax Energy Corporation (Enmax), Mr. James Paron, the Village of Wabamun, and the Lake Wabamun Enhancement and Protection Association (LWEPA). Enmax was concerned that some of the conditions of the Approval would result in cost increases to Enmax as a result of a Power Purchase Agreement it had entered into with TransAlta, and Enmax sought to have these conditions changed. LWEPA filed an appeal opposing the changes requested by Enmax. (Enmax's appeal was subsequently dismissed by the Board following the preliminary meeting.) Mr. Paron's appeal sought to have certain conditions of the Approval strengthened. The Village of Wabmun's appeal sought to delay the implementation of certain provisions of the Approval. Following the hearing, Mr. Paron, the Village of Wabamun, and LWEPA filed requests for final costs. LWEPA only requested final costs in relation to participation at the preliminary meeting. In the Board's Cost Decision of February 8, 2002, the Board approved the request for final costs by LWEPA (in the amount of $5,079.25) in relation to the preliminary meeting only and these costs are to be paid by Enmax. The Board has denied the request for final costs by Mr. Paron and the Village of Wabamun. Cite as: *Costs Decision: Paron et al.* (8 February 2002), Appeal Nos. 01-002, 01-003 and 01-005 (A.E.A.B.)

Appellant(s)	Subject
Appellant(s): Talisman Energy Inc. **Operator:** Talisman Energy Inc. **Location:** LaGlace **Type of Appeal:** Report and Recommendations **Appeal No.** 01-006	On January 15, 2001, the Board received a Notice of Appeal from Talisman Energy Inc. ("Talisman") with respect to the refusal of Alberta Environment to issue a reclamation certificate to Talisman for a wellsite and access road on SE 8-74-7 W6M. Alberta Environment indicated the refusal was due to landscape parameters failing to meet reclamation criteria. On February 5, 2001, Talisman advised the Board that the current land occupant, Mr. Peter Eggers, would have an interest in the appeal. The Board held a mediation meeting on March 30, 2001, in Grande Prairie, Alberta. Following productive and detailed discussions, the Board held a second mediation meeting and site inspection conducted by a non-party expert on June 25, 2001. At the on-site meeting, a resolution evolved. As a result, the Board recommended the Minister of Environment reverse the decision of Alberta Environment and issue a reclamation certificate to Talisman in accordance with the resolution. The Minister approved the recommendation on August 9, 2001. Cite as: *Talisman Energy Inc.* v. *Inspector, Northwest Boreal Region, Alberta Environment* (9 July 2001), Appeal No. 01-006 (A.E.A.B.)
Appellant(s): Mr. Rod and Ms. Bee Van Metre **Operator:** County of Vermillion River No. 24 **Location:** Vermillion **Type of Appeal:** Decision **Appeal No:** 01-007	On January 10, 2001, Mr. Rod and Ms. Bee Van Metre filed a Notice of Appeal with respect to Approval No. 00141216-00-00 issued under the *Water Act* to the County of Vermillion River No. 24, authorizing the exploration of groundwater on SW 34-052-01-W4, subject to conditions. On January 25, 2001, the Board wrote to the Appellants requesting further clarification with respect to their Notices of Appeal as they did not appear to relate to work authorized by the Approval, but instead related to a licence to divert, that had, to the Board's knowledge, not yet been issued. On January 31, 2001, the Board received a letter from the Approval Holder advising that they were not interested in pursuing exploration of water on SW-34-52-01-W4 and therefore would not require Approval No 00141216-00-00. The Board received confirmation from the Department in a letter dated February 21, 2001, that the Approval had been cancelled and wrote to the Appellants on the same day requesting they confirm whether or not they wished to withdraw their appeal. On March 8, 2001, Board staff spoke with one of the Appellants and advised that the Board would not have jurisdiction to proceed with an appeal unless there was a valid Approval. On March 15, 2001 the Appellants faxed the Board advising that they did not wish to withdraw their appeal. On March 20, 2001, the Board issued a Decision dismissing the appeal on the grounds that it has no jurisdiction to continue as the Approval was cancelled. Cite as: *Van Metre* v. *Director Regional Support, Parkland Region, Natural Resources Service, Alberta Environment*, re: *County of Vermillion River No. 24*. (20 March 2001), Appeal No. 01-007 (A.E.A.B.)

Appellant(s)	Subject
Appellant(s): Ms. Lorna C. McDonald and Mr. Wilmer and Ms. Grace Allen **Operator:** County of Vermillion River No. 24 **Location:** Vermillion **Type of Appeal:** Discontinuance of Proceedings **Appeal Nos**. 01-008 and 009	On January 10, 2001, the Board received Notices of Appeal from Ms. Lorna McDonald dated January 3, 2001, and Mr. Wilmer and Ms. Grace Allen dated January 2, 2001, with respect to Approval No. 00141216-00-00, issued under the *Water Act*, to the County of Vermillion River No. 24 authorizing the exploration of groundwater on SW 34-052-01-W4, subject to conditions. On January 25, 2001, the Board requested further clarification from the Appellants with respect to the Notices of Appeal as they did not appear to relate to work authorized by the Approval, but instead related to a licence to divert, that had, to the Board's knowledge, not yet been issued. On January 31, 2001, the Board received a letter from the Approval Holder advising that they were not interested in pursuing exploration of water on SW-34-52-01-W4 and therefore would not require Approval No 00141216-00-00. The Board received confirmation from Alberta Environment in a letter dated February 21, 2001, that the Approval had been cancelled. On March 5, 2001, the Board received a letters from the Appellants stating that they wished to withdraw their respective appeals and on March 20, 2001, the Board issued a Discontinuance of Proceedings and closed its file. Cite as: *McDonald and Allen* v. *Director, Parkland Region, Natural Resources Service, Alberta Environment*, re: *County of Vermillion River No. 24* (20 March 2001), Appeal Nos. 01-008 and 009 (A.E.A.B.)
Appellant(s): Kedon Waste Services Ltd. and Lethbridge Regional Landfill Ltd. **Operator:** Kedon Waste Management Ltd. and Lethbridge Regional Landfill Ltd **Location:** County of Lethbridge **Type of Appeal:** Decision **Appeal No.** 01-010	On January 17, 2001, Kedon Waste Services Ltd. and Lethbridge Regional Landfill Ltd. filed a Notice of Appeal with respect to Administrative Penalty No. 00/03-BOW-AP-00/34 issued to Kedon Waste Services Ltd. and Lethbridge Regional Landfill Ltd.. The Administrative Penalty was in the amount of $8,500 for contravening section 213(3) and 173 of the *Environmental Protection and Enhancement Act*. The Appellants allegedly failed to have moveable windscreens at the landfill, failed to submit information on the 1999 operations of Class II part of the landfill by March 31, 2000, failed to immediately report contravention of Approval 19028-00-04 and disposed waste on the lands of another person without consent. The Board scheduled a hearing for May 2 and 3, 2001. Submissions were received from the Department and the Appellants and on the second day of the hearing, the parties asked for an adjournment to pursue settlement. The Board granted the adjournment and several hours later, the parties advised that a settlement had been reached. The Board issued a Decision establishing that Count 2, 3 and 4 were confirmed with penalties of $1,500.00, $1,000.00 and $1,000.00 respectively. Count 5 and 6 were withdrawn and factors are assessed at plus $500.00, for a total Administrative Penalty of $4,000.00 including the factor. Lastly, each party shall bear their own costs. Cite as: *Kedon Waste Services Ltd. and Lethbridge Regional Landfill Ltd.* v. *Director, Bow Region, Natural Resources Service, Alberta Environment* (14 May 2001), Appeal No. 01-010 (A.E.A.B.)

Appellant(s)	Subject
Appellant(s): Ms. Gwen Bailey and the Summer Village of Point Alison; Enmax Energy Corporation; Mr. Nick Zon; Mr. Blair Carmichael; Ms. Donna Thomas and the Summer Village of Kapasiwin; Mr. James Paron; the Village of Wabamun; Mr. David Doull; the Lake Wabamun Enhancement and Protection Association; and the Summer Village of Point Alison **Operator:** TransAlta Utilities Corporation **Location:** the Village of Wabamun **Type of Appeal:** Discontinuance of Proceedings **Appeal No.** 01-011	On December 28, 2000, and January 2, 3, 4, and 10, 2001, the Board received Notices of Appeal from the following parties (collectively the "Appellants"), Ms. Gwen Bailey and the Summer Village of Point Alison; Enmax Energy Corporation ("Enmax"); Mr. Nick Zon; Mr. Blair Carmichael; Ms. Donna Thomas and the Summer Village of Kapasiwin; Mr. James Paron; the Village of Wabamun; Mr. David Doull; the Lake Wabamun Enhancement and Protection Association ("LWEPA"); and the Summer Village of Point Alison with respect to the issuance of Approval 10323-02-00 to TransAlta Utilities Corporation ("TransAlta") for the operation and reclamation of the Wabamun Thermal Electric Power Plant, in the Village of Wabamun. Upon request by the Board, the Alberta Energy and Utilities Board (AEUB) advised that TransAlta currently held AEUB Approval No. HE 8109 with respect to the Wabamun Power Plant. The Board held an oral preliminary meeting on March 1, 2001, at the Board's office. At the preliminary meeting, it was determined that the Summer Village of Point Alison was one f the Appellants directly affected by the Approval and was granted standing. On March 13, 14, and 19, 2001, the Board held mediation meetings, however, as they were unsuccessful, an appeal hearing was scheduled for April 18 and 19, 2001. On March 19, 2001, the Board received advising that the Summer Village of Point Alison wished to withdraw their appeal as they have entered into a partnership agreement with TransAlta to rectify and remediate their concerns. As a result, the Board issued a Discontinuance of Proceedings on March 26, 2001 and closed its files. Cite as: *Summer Village of Point Alison* v. *Director, Northern East Slopes Region, Environmental Service, Alberta Environment*, re: *TransAlta Utilities Corporation* (26 March 2001), Appeal No. 01-011 (A.E.A.B.)
Appellant(s): Mr. Donald Graham, Ms. Helen Brock and Mr. Barry Cunningham, and Mr. Douglas Brock **Operator:** Mr. Shawn Morton **Location:** Red Deer **Type of Appeal:** Decision **Appeal Nos.** 01-012, 013 and 014	Alberta Environment issued *Water Act* Approval No. 140153-00-00 to Mr. Shawn Morton for the exploration of groundwater near Red Deer, Alberta for agriculture purposes. The Board received Notices of Appeal from Mr. Donald Graham, Ms. Helen Brock, Mr. Barry Cunningham, and Mr. Douglas Brock regarding the Approval. Upon notification from these parties of their Application for Leave to the Court of Appeal with respect to municipal approvals issued for this operation, the Board held the appeals and the applications for a Stay in abeyance pending the decision of the Court of Appeal. However, the Board subsequently received notification from Mr. Shawn Morton that the exploration under the Approval had been complete. The Board then set a schedule for submissions from the parties with respect to the question of whether the appeals are moot given the fact that the work under the Approval was complete. The Board, upon review of the submissions, issued a Decision on March 15, 2002 dismissing the Notices of Appeal for being moot, without merit or not properly before the Board. The Board noted that the parties are free to file Notices of Appeal in relation to the water licence, should it be issued in the future. Cite as: *Graham et al.* v. *Director, Parkland Region, Regional Services, Alberta Environment* re: *Shawn Morton* (15 March 2002), Appeal Nos. 01-012, 013 and 014 (A.E.A.B.)

Appellant(s)	Subject
Appellant(s): Mr. Gordon Grant and Ms. Joan Yule **Operator:** Village of Standard **Location:** the Village of Standard **Type of Appeal:** Decision **Appeal Nos.** 01-015 and 016	On January 29, 2001, Ms. Joan Yule and Mr. Gordon Grant filed Notices of Appeal with respect to Approval No. 00082525-00-00 issued under the *Water Act* to the Village of Standard to maintain existing works, upgrade the water collection system, replace a water supply line and conduct spring supply testing and examinations in SE 21-25-22-W4M. On January 31, 2001, the Board received letters from the Operator objecting to the Notices of Appeal in that they did not meet the prescribed timelines and the Appellants did not file Statements of Concern with Alberta Environment. On February 5, 2001, the Board received a letter from Alberta Environment also objecting that the appeals were not filed in accordance with the statutory requirements of the *Water Act*. On February 20, 2001, the Board responded to the letters and set a schedule for written submissions to determine if the Notices of Appeal were properly before the Board. After reviewing the written submissions, the Board issued its Decision to dismiss the appeals on May 15, 2001, based on the following grounds: there was no evidence that the Village of Standard's advertisements in the *Drumheller Mail* was uniquely small or hidden, or otherwise improper in that it prevented Statements of Concern to be filed; notice was placed in a manner such that the area coverage was reasonable, "...everyone had a free subscription (rural and urban) to the *Drumheller Mail*...", and lastly, the Board agrees with Alberta Environment that statutory prerequisites have been met by the Village of Standard and that no special circumstances exist to extend statutory deadlines. Cite as: *Grant and Yule* v. *Director, Bow Region, Natural Resources Service, Alberta Environment*, re: *Village of Standard* (15 May 2001), Appeal Nos. 01-015 and 016 (A.E.A.B.)

Appellant(s)	Subject
Appellant(s): Mr. Louis and Ms. Verna Schafer, Mr. David Hausauer, Mr. Roy Hausauer, Ms. Chryle Bascom, Mr. Ken Benson, Mr. Ivan hausauer, Mr. Donald Elhart, Ms. Bernice Bonneau, Ms. Aaron Elhart, Mr. Edward Aberle, Mr. Bill Hogg, Mr. Merlen Brost, Mr. Neil Hoff and Mr. Darcy Geigle (collectively known as the "Clearwater Clean Air Advocates" or "CCAA"), Mr. Brian Franz and Mr. Tracy Elhart **Operator:** B & J Schneider Ranching Ltd. **Location**: County of Cypress **Type of Appeal**: As Listed **Appeal Nos.** 01-017-032	**Intervenor requests**: Mr. Stanley Weiss, Mr. Garth Felesky, Mr. Brian Ziegenhagel, Mr. Pat Liboiron, Mr. Merle and Ms. Barb Brost, Mr. Edgar and Ms. Olga Hofer, Mr. Mel and Ms. Ardeth Witke, Mr. Ed and Ms. Judy Stock, Mr. Larry Brown, Mr. Leo Pugsley, Mr. Rob and Ms. Bonnie Mather, Mr. Ken Berg, Ms. Bonnie Berg, Mr. Ron and Ms. Patty Roth, Mr. Vern Cook. **Overview** - From January 21 to February 2, 2001, 16 Notices of Appeal were filed by Mr. Louis and Ms. Verna Schafer, Mr. David Hausauer, Mr. Roy Hausauer, Ms. Chryle Bascom, Mr. Ken Benson, Mr. Ivan Hausauer, Mr. Donald Elhart, Ms. Bernice Bonneau, Ms. Aaron Elhart, Mr. Edward Aberle, Mr. Bill Hogg, Mr. Merlen Brost, Mr. Neil Hoff and Mr. Darcy Geigle (collectively known as the "Clearwater Clean Air Advocates" or "CCAA"), Mr. Brian Franz and Mr. Tracy Elhart with respect to Preliminary Certificate No. 00139098-00-00 issued to B & J Schneider Ranching Ltd. The Preliminary Certificate provides that if conditions of the certificate are met, the certificate holder will be issued a licence which authorizes the use of 21,600 cubic meters of water annually from wells in SE 30-012-03-W4 with priority 2000-08-29-002 for a feedlot operation. **Decision** - On June 4, 2001, the Board scheduled a hearing in this matter for June 25, 2001 in Medicine Hat. On June 11, 2001, the Board received 18 requests for intervenors (noted above under intervenor requests). Upon reviewing the requests for intervenor status and reviewing Alberta Environment's records in this matter, the Board, on June 22, 2001, issued a Decision to grant intervenor status to Mr. Weiss only and dismiss all other requests. Cite as: *Intervenor Requests: Schafer et al.* v. *Director, Prairie Region, Natural Resources Service, Alberta Environment,* re: *B and J Schneider Ranching* (22 June 2001), Appeal Nos. 01-017-032 (A.E.A.B.) **Report and Recommendations** – On June 25, 2001, the Board held a hearing and on July 18, 2001 issued a Report and Recommendations recommending appeals submitted by Messrs. Tracy Elhart and Brian Franz be dismissed as they did not submit written submissions to the Board nor attend the hearing. The Board also recommended that the Alberta Environment's deision to issue the Certificate be confirmed, however amendments to the Certificate and Licence would require the Certificate Holder to monitor Mr. Weiss' wells and other minor amendments to promote clarity. Lastly, in accordance with section 91 of the *Environmental Protection and Enhancement Act* confirm the decision of Alberta Environment to issue the Certificate, subject to amendments outlined in the Report and Recommendations. The Minister approved the recommendations on August 29, 2001. Cite as: *Schafer et al.* v. *Director, Prairie Region, Natural Resources Service, Alberta Environment,* re: *B&J Schneider Ranching.* (18 July 2001), Appeal Nos. 01-017-032 (A.E.A.B.)

Appellant(s)	Subject
Appellant(s): The River Breakup Task Force **Operator**: TBG Contracting Ltd. **Location**: Fort McMurray **Type of Appeal:** Discontinuance of Proceedings **Appeal No.** 01-033	On February 9, 2001, the River Breakup Task Force filed a Notice of Appeal dated February 5, 2001, with respect to Approval No. 00144709-00-00 issued under the *Water Act* to TBG Contracting Ltd. The Approval pertained to the construction of an ice bridge on the Athabasca River in NW 28 and NE 29-089-09-W4. On April 19, 2001, the Appellant e-mailed the Board indicating that "...I have come to the decision not to proceed with the appeal/mediation process because I lack the expertise necessary". On April 30, 2001, Board staff spoke with the Appellant to clarify her intentions regarding the appeal and on May 1, 2001, the Board received another e-mail from the Appellant advising that she was withdrawing her appeal and that she did not wish to pursue the mediation process this year. As a result, on May 3, 2001, the Board issued a Discontinuance of Proceedings and closed its file. Cite as: *Hanson* v. *Director, Northeast Boreal Region, Natural Resources Service, Alberta Environment*, re: *TBG Contracting Ltd.* (3 May 2001), Appeal No. 01-033 (A.E.A.B.)
ppellant(s): Mr. Douglas B. Leschert **Operator:** Hutterian Brethren Church of Erskine **Location:** Erskine **Type of Appeal:** Decision **Appeal No.** 01-034	On February 20, 2001, Mr. Douglas B. Leschert filed a Notice of Appeal with respect to Licence No. 00143247-00-00/*Water Act* issued to the Hutterian Brethren Church of Erskine for the diversion of 2,150 cubic metres of water annually from the well in SW 01-039-21-W4 for the purpose of agricultural (stock water) subject to certain conditions. In response to an April 5, 2001, letter from Alberta Environment requesting an abeyance pending a meeting between the Operator and the Appellant for April 10, 2001, the Board granted the request and requested a status report by April 12, 2001, which was later changed to April 20, 2001. On May 16, 2001, the Board was informed that an informal meeting between the Director and the Appellant would take place on May 31, 2001. After reviewing correspondece with respect to the meeting, the Board, on June 14, 2001, advised the parties that it would be proceeding to a preliminary meeting via written submissions on the issue of whether the Notice of Appeal was properly before the Board given Mr. Leschert's concern with the Licence is that he wants to be compensated for any financial loss due to the actions of the Licencee. To date, the Board has not received the Initial Submission from the Appellant. Courier records indicate that the Board's letter of June 14, 2001 was delivered to Mr. Leschert and signed for on June 20, 2001. On June 28, 2001, the Board issued a Decision dismissing the Notice of Appeal for failure to respond to its written request. Cite as: *Leschert* v. *Director, Parkland Region, Natural Resources Service, Alberta Environment* re: *Hutterian Brethren Church of Erskine* (28 June 2001), Appeal No. 01-034 (A.E.A.B.)

Appellant(s)	Subject
Appellant(s): Metis Nation of Alberta Zone II Regional Council, Mr. Henry Desjarlais, Mr. Gabe Cardinal, Mr. Gus Cardinal and Mr. Sam Dumais **Operator:** AEC Pipelines Ltd. **Location:** Cold Lake **Type of Appeal:** Discontinuance of Proceedings **Appeal No.** 01-035	Alberta Environment issued Amending Approval No. 136570-00-01 to AEC Pipelines Ltd. for the construction and reclamation of the Foster Creek pipeline. On February 16, 2001, the Board received a Notice of Appeal from the Metis Nation of Alberta Zone II Regional Council and a number of its members appealing the Amending Approval. Before proceeding to a hearing of the appeal, the Board had to deal with the directly affected status of the Metis Nation of Alberta Zone II Regional Council and also their participation in a process before the Alberta Energy and Utilities Board (AEUB). The Board set a submission process to deal with the issue of the participation of the Metis Nation of Alberta Zone II Regional Council in the AEUB process, however, before the submission process was complete, the appeal was withdrawn. Consequently, the Board issued a Discontinuance of Proceedings on December 27, 2001 and closed its file. Cite as: *Metis Nation of Alberta Zone II Regional Council et al. v. Director, Bow Region, Environmental Service, Alberta Environment re: AEC Pipelines Ltd.* (27 December 2001), Appeal No. 01-035 (A.E.A.B.)
Appellant(s): DVP Purchase Corp. **Operator:** DVP Purchase Corp. **Location:** Westlock **Type of Appeal:** Discontinuance of Proceedings **Appeal No.** 01-036	On March 12, 2001, the Board received a Notice of Appeal from DVP Purchase Corp. with respect to the issuance of Administrative Penalty No. 01/01-NES-AP-01/01 ("the Penalty" issued to DVP Purchase Corp. The Penalty was in the amount of $29,500.00 pertaining to a list of offences occurring between May 10, 1999 to May 1, 2000. The Notice of Appeal objected to the "[l]iability and Quantum respecting every item referred to in the details of the Notice of Administrative Penalty". On April 2, 2001, the Board received a letter from the Appellant advising they would be willing to meet with Alberta Environment to expedite issues or resolve the appeal through the use of mediation prior to a hearing taking place. On April 27, 2001, the Board received a letter from the Appellant advising that the Penalty had been paid and that the appeal would be withdrawn. As a result, on April 30, 2001, the Board issued a Discontinuance of Proceedings and closed its file. Cite as: *DVP Purchase Corp.* v. *Director, Northern East Slopes Region, Alberta Environment.*(30 April 2001), Appeal No. 01-036 (A.E.A.B.)

Appellant(s)	Subject
Appellant(s): Mr. Harry Proft **Operator**: Her Majesty the Queen in Right of Alberta **Location**: Barrhead **Type of Appeal**: Decision **Appeal No.** 01-037	On November 16, 2000, Approval No. 00140706-00-00 was issued under the *Water Act* by Alberta Environment to Her Majesty the Queen in Right of Alberta to authorize the construction of a coffer dam and replacement of the spillway of the Tiger Lily Lake Outlet Structure. The Approval incorrectly referred to land location NE 31-59-5-W5M, however, the plan attached to the Approval showed the correct, adjoining land location as SE 31-59-5-W5M. On February 7, 2001, Alberta Environment issued Amending Approval 00140706-00-01 under the *Water Act* which corrected the legal land description in the Approval. On March 28, 2001, the Board received a Notice of Appeal from the Office of the Farmer's Advocate of Alberta, on behalf of Mr. Harry Proft. The appeal referred to the Appellant's land, NE 31-59-5-W5M and with respect to changes to the lease regarding the original project, failure to give notice or obtain input from the landowner, failure to provide proper notice that would have permitted an appeal, and requested compensation for the loss of time and use of property associated with the project. Since the appeal was filed outside the prescribed time limits, and considering the appeal's merits, the Board analysed the areas of timliness, mootness and appeal of the Amending Approval. The Board concluded that it is not satisfied that sufficient grounds exist to extend the prescribed time limit for filing a Notice of Appeal under the *Water Act*, and on October 1, 2001, issued a Decision to dismiss the Appeal because it is not properly before the Board, it is moot, or it is without merit. Cite as: *Proft* v. *Director, Licensing and Permitting Standards Branch, Environmental Assurance, Environmental Operations Division, Alberta Environment,* re: *Her Majesty the Queen in Right of Alberta* (1 October 2001), Appeal No. 01-037 (A.E.A.B.)
Appellant(s): Mr. Ove Minsos, Q.C. **Operator:** Summer Village of Grandview **Location:** Pigeon Lake **Type of Appeal:** Discontinuance of Proceedings **Appeal No.** 01-038	On March 30, 2001, the Board received a Notice of Appeal from Mr. Ove Minsos, Q.C., with respect to Approval No. 00145483-00-00 issued under the *Water Act* to the Summer Village of Grandview to carry out shoreline protection works at Pigeon Lake adjacent to Lots P, 1, 2 and 3, Block 6, Plan No. 5045KS, and Lot P, Block 4, Plan 4173KS, all in SE 27-46-01-W5. On May 31 and July 5, 2001, the Board received requests to place the appeal in abeyance pending discussions and information-sharing between the parties. On September 6, 2001, the Appellant advised he wished to proceed with the appeal and requested costs. The Board held a mediation meeting on October 31, 2001 in Edmonton, where the parties agreed to continue discussions and would provide the Board with a status report by November 16, 2001. On November 13, 2001, the Appellant wrote to the Board withdrawing the appeal. As a result, the Board issued a Discontinuance of Proceedings on November 23, 2001, and closed its file. Cite as: *Minsos* v. *Director, Parkland Region, Regional Services, Alberta Environment* re: *Summer Village of Grandview* (23 November 2001), Appeal No. 01-038 (A.E.A.B.)

Appellant(s)	Subject
Appellant(s): Mr. Lawson Patten **Operator:** Petro-Canada and Enerplus Resources Corporation **Location:** County of Wetaskiwin **Type of Appeal:** Decision **Appeal No.** 01-039	On April 19, 2001, Mr. Lawson Patten filed a Notice of Appeal with respect to Enforcement Order No. 2001-WA-02 issued under the *Water Act* to Petro-Canada and Enerplus Resources Corporation to restore natural drainage flows on the Patten and Szkaluba properties. On April 24, 2001, the Board wrote to the Appellant advising that only the person to whom the enforcement order is directed may file an appeal and also noted that an appeal of an enforcement order must be filed no later than 7 days after receipt of a copy of the enforcement order. Although the Appellant is the registered landowner, it is only the recipient of the enforcement order who has the right of appeal. As a result, the Board determined the appeal to be not properly before the Board and expressed that whether or not there should be appeals from landowners whose property is affected by the enforcement orders is a matter for legislators to address. The Board issued a Decision on May 10, 2001, concluding that although it did not have jurisdiction to address the quality or type of work contemplated under the Enforcement Order 2001-WA-02, it expects that, as a courtesy, Alberta Environment will work with the Appellant to address his concerns. Cite as: *Patten* v. *Director, Red Deer Management Area, Parkland Region, Alberta Environment,* re: *Petro-Canada and Enerplus Resources Corporation* (10 May 2001), Appeal No. 01-039 (A.E.A.B.)
Appellant(s) : Shiela Mizera, Terry and Fay Mizera, and Horst Glombick **Operator**: Village of Ryley **Location:** Ryley **Type of Appeal:** (Active) **Appeal Nos.** 01-040, 41, and 43.	On April 20, 24, and 27 respectively, the Board received Notices of Appeal from Shiela Mizera, Terry and Fay Mizera, and Horst Glombick with respect to Approval No. 00142349-00-00 issued to the Village of Ryley allowing the release of sewage effluent into the Bible Creek. A Mediation Meeting took place on May 7, 2001, and an interim agreement was reached with on-going status report required. As of April 1, 2002, this Appeal is outstanding.
Appellant(s): Mr. Stanley Weiss **Operator**: B & J Schneider Ranching **Location:** Medicine Hat **Type of Appeal:** Decision **Appeal No.** 01-042	On April 24, 2001, Mr. Stanley Weiss filed a Notice of Appeal with respect to Preliminary Certificate No. 00139098-00-00 issued under the *Water Act* to B & J Schneider which authorizes the use of 21,600 cubic meters of water annually from wells in SE 30-012-03-W4 with priority 2000-08-29-002. The Appellant asked to be added to the appeal which had already been filed by sixteen separate Appellants (collectively known as the "Clearwater Clean Air Advocates" or "CCAA") on February 2, 2001. On April 30, 2001, the Board wrote to the Appellant for clarification and also noted that the Appellant did not appear to file a Statement of Concern, a requirement under section 115(1)(b) under the *Water Act*, with Alberta Environment. On May 14, 2001,after receiving additional information from the Appellant, the Board issued a Decision dismissing the appeal and concluded that the circumstances indicated by the Appellant for not filing a Statement of Concern are not special or compelling nor do they indicate an intent to file at any time in the past. Cite as: *Weiss* v. *Director, Prairie Region, Alberta Environment,* re: *B and J Schneider Ranching* (14 May 2001), Appeal No. 01-042 (A.E.A.B.)

Appellant(s)	Subject
Appellant(s): Messrs. Brian and Nick Hunka **Operator:** Highland Feeders Ltd., **Location**: Vegreville **Type of Appeal:** Report and Recommendations **Appeal No.** 01-044	On April 30, 2001, the Board received a Notice of Appeal from Messrs. Brian and Nick Hunka with respect to Licences 00139015-00-00 (WTH 2-98) and 00139016-00-00 (WTH 4-98), issued under the *Water Act* to Highland Feeders Ltd., which authorize the annual diversion of 73,000 cubic metres of water from the well in SW 26-054-14-W4 and 76,650 cubic metres of water from the well in SE 24-054-14-W4 respectively, for the purpose of agriculture (a feedlot) subject to certain terms and conditions. The Board held a mediation meeting on August 21, 2001, in Edmonton and a resolution was reached by the parties. As a result, the Board issued a Report and Recommendation on August 31, 2001, recommending that the Minister of Environment vary the Licences in accordance with the resolution. On September 6, 2001, the Minister approved the recommendations. Cite as: *Hunka* v. *Director, Water Management Division, Natural Resources Service, Alberta Environment,* re: *Highland Feeders Ltd.* (31 August 2001), Appeal No. 01-044 (A.E.A.B.)
Appellant(s): Mr. James Paron, Mr. David Doull and Mr. Dan Sorochan **Operator**: Parkland County, **Location**: near the Village of Wabamun **Type of Appeal:** Decision **Appeal Nos.** 01-045, 046 and 047	On May 4 and 7, 2001, the Board received Notices of Appeal from Mr. James Paron and Mr. David Doull on behalf of himself and on the same day on behalf of Mr. Dan Sorochan with respect to Approval No. 00137322-00-00 issued under the *Water Act* to Parkland County authorizing weed control and the reestablishment of Ascot Beach at SW 09-053-04-W5M on Lake Wabamun. The Appellants object to various decisions made by Parkland County hat the Approval should not have been granted as individual property owners have been turned down for similar approvals in the past and that the authorized work under the Approval will increase the number of people using the area. The Notices of Appeal also advised that Mr. Doull would be representing all of the Appellants in this matter. After considering all submissions with respect to "directly affected' status, the Board concluded that the Appellants did not present any evidence beyond a bare statement that they live in proximity to the proposed work – which speaks to the environmental impacts of the work authorized under the Approval. The Appellants have failed to present facts which failed to discharge the onus that is on them to demonstrate that they are directly affected. On August 1, 2001, the Board issued a Decision to dismiss the appeal on the grounds that the Appellants are not directly affected pursuant to section 115 of the *Water Act*. Cite as: *Paron et al.* v. *Director, Environmental Service, Northern East Slopes Region, Alberta Environment,* re: *Parkland County* (1 August 2001), Appeal Nos. 01-045, 046 and 047 (A.E.A.B.)

Appellant(s)	Subject
Appellant(s): Ms. Zena Moisy **Operator**: Ms. Zena Moisy **Location**: near Lac La Biche **Type of Appeal**: Discontinuance of Proceedings **Appeal No.** 01-048	On May 17, 2001, Ms. Zena Moisy filed a Notice of Appeal with respect to Enforcement Order No. 2001-WA-05/*Water Act*, issued to her for the placement of rocks and material on the shore and reserve of Lac La Biche, without an approval. On May 24, 2001, the Board received a letter from the Alberta Environment advising that they would be meeting with the Appellant on May 25, 2001, to discuss her concerns in more detail. On May 30, 2001, the Appellant advised the Board that as a result of the meeting, she wished to "call off" the appeal. The Board issued a Discontinuance of Proceedings on May 31, 2001, and closed its file. Cite as: *Moisey* v. *Director, Enforcement and Monitoring, Northeast Boreal Region, Alberta Environment* (31 May 2001), Appeal No. 01-048 (A.E.A.B.)
Appellant(s): Mr. Tom and Mrs. Mae Adamyk, Mr. Lawrence and Mrs. Evelyn Kucy, Mr. Ted Jakubowski and Mr. Jason Lewyk **Operator:** Cam-A-Lot Holdings **Location**: near St. Michael **Type of Appeal**: Stay Decision **Appeal Nos.** 01-050, 052 and 054, 055	The Board received Notices of Appeal and a request for a Stay on May 23, 2001, from Mr. Tom and Mrs. Mae Adamyk on May 28, 2001, from Mr. Lawrence and Mrs. Evelyn Kucy, and from Mr. Ted Jakubowski and Mr. Jason Lewyk, President of the St. Michael Trade and Water Supply Ltd. on May 30, 2001 with respect to Approval No. 00147901-00-00 issued to Cam-A-Lot Holdings to explore for groundwater at SW 17-056-18-W4. In their Notice of Appeal, the Kucys and Mr. Lewyk stated they wanted the exploration stopped. The Board also received a letter from the Adamyks requesting a Stay. In response to letters from the Board on June 5, and 6, 2001, Mr. Lewyk, on behalf of the Adamyks, Mr. Kucy and himself confirmed they were seeking a Stay of Alberta Environment's decision to issue the Approval until the appeal is heard. After reviewing the submissions provided by the Appellants, the Board issued a Decision on July 9, 2001, advising that the Appellants have not satisfied the Board that a Stay should be granted and noted that this is not a decision on the merits of the appeal. Cite as: *Adamyk et al.* v. *Director, Environmental Service, Parkland Region, Alberta Environment, Stay Decision,* re: *Cam-A-Lot Holdings* (9 July 2001), Appeal Nos. 01-050, 052 and 054, 055 (A.E.A.B.)
Appellant(s): Vant Erve Dairy Ltd., Mr. Ashley and Ms. Dorothy Heggelund, and Mr. Robert Hill **Operator**: D. Ray Construction Ltd. **Location**: Beaverlodge **Type of Appeal:** Discontinuance of Proceedings **Appeal Nos.** 01-051, 053 and 056	Alberta Environment issued Approval No. 00150120-00-00 under the *Water Act* to D. Ray Construction Ltd., which authorized the draining of groundwater from a gravel pit near Beaverlodge, Alberta. The Board received three appeals opposing the Approval and conducted a number of mediation meetings in an effort to assist the parties in resolving their appeals. At the mediation meetings, the parties agreed to continue discussions to resolve the appeals. After seven extensions had been granted at the request of the parties to continue settlement discussions, it appeared to the Board that the parties were still unable to reach a resolution. Therefore, the Board scheduled a hearing for March 13, 2002, in Grande Prairie, Alberta, to hear the appeals. On March 6, 2002, the Appellants withdrew their appeals and the Board issued a Discontinuance of Proceedings on March 20, 2002. Cite as: *Vant Erve Dairy Ltd. et al.* v. *Director, Northwest Boreal Region, Regional Services, Alberta Environment* re: *D. Ray Construction Ltd.* (20 March 2002), Appeal Nos. 01-051, 053 and 056 (A.E.A.B.)

Appellant(s)	Subject
Appellant(s): Mr. Jason Lewyk, President of St. Michael Trade and Water Supply Ltd. **Operator**: Cam-A-Lot Holdings **Location**: near St. Michael **Type of Appeal:** Decision **Appeal No.** 01-055	On May 30, 2001, the Board received a Notice of Appeal and a request for a Stay from Mr. Jason Lewyk, President of St. Michael Trade and Water Supply Ltd. with respect to Approval No. 00147901-00-00 issued under the *Water Act* to Cam-A-Lot Holdings to explore for groundwater at SW 17-056-18-W4. In viewing Alberta Environment's records, it appeared the Appellant had not filed a Statement of Concern with Alberta Environment prior to filing his Notice of Appeal. The Appellant explained that the Statement of Concern was received after the Approval to explore for groundwater had been issued, and as a result, had been accepted as a Statement of Concern with respect to the application for the Licence to divert (a decision with respect to the Licence to divert had not yet been made). After reviewing the written submission of the Appellant, the Board issued a Decision on July 17, 2001, advising that since the Appellant did not file the Statement of Concern in relation to the application for the Approval to explore for groundwater, the Notice of Appeal was not properly before the Board and pursuant to section 87(5)(a)(i.2) of the *Environmental Protection and Enhancement Act*, the Board dismissed the appeal. Cite as: *St. Michael Trade and Water Supply Ltd.* v. *Director, Environmental Service, Parkland Region, Alberta Environment,* re: *Cam-A-Lot Holdings* (17 July 2001), Appeal No. 01-055 (A.E.A.B.)
Appellant(s): Mr. Tom and Mrs. Mae Adamyk, Mr. Lawrence and Mrs. Evelyn Kucy and Mr. Ted Jakubowski **Operator:** Cam-A-Lot Holdings **Location**: near St. Michael **Appeal Nos.** 01-050, 052 and 054	**Decision** - On June 15, 2001, the Board dismissed Mr. Jakubowski's request for a Stay for failing to comply with a written notice pursuant to section 87(5)(a)(ii) of the *Environmental Protection and Enhancement Act*. For reasons stated in the Board's Decision dated July 9, 2001, the requests for a Stay filed by Mr. Tom and Mrs. Mae Adamyk and Mr. Lawrence and Mrs. Evelyn Kucy were denied. In response to a letter from the Board, the Director advised that the exploration for groundwater has been completed, however had not been submitted to the Director. The Director also advised the Approval Holder failed to comply with the Approval and would be issued an Enforcement Order requiring it to cease diverting water from the exploration well. On September 18, 2001, the Board received a letter from the Director advising the Approval Holder withdrew its application for a licence to divert water. In response to the Director's letter, the Board advised it wished to dismiss the appeals based on section 87(5)(a) and offered the parties an opportunity to object. Since no objections were received by the Board, on October 1, 2001, the Board issued a Decision to dismiss the appeals as they are either moot, not properly before the Board or without merit. Cite as: *Adamyk et al.* v. *Director, Environmental Service, Parkland Region, Alberta Environment,* re: *Cam-A-Lot Holdings* (1 October 2001), Appeal Nos. 01-050, 052 and 054 (A.E.A.B.)

Appellant(s)	Subject
Appellant(s): Mr. William Yakimishyn **Operator**: Mr. William and Mr. Kelly Yakimishyn **Location**: Lamont **Type of Appeal:** Report and Recommendations **Appeal No.** 01-057	On June 18, 2001, the Board received a Notice of Appeal and request for a Stay from Mr. William Yakimishyn with respect to Enforcement Order No. 2001-WA-06 issued to Messrs. William and Kelly Yakimishyn for the placement of earthen berms near intermittent watercourses on their land at NW 4-56-17 W4M. The Board advised that the evidence provided did not demonstrate that the Appellant would suffer greater harm if the Stay was refused than others would if the Stay was granted. On June 18, 2001, the Board advised the parties that a hearing on the merits of the appeal would take place on June 22, 2001, however, was cancelled and rescheduled to take place on August 16, 2001 at the Board's office in Edmonton. On August 9, 2001, the Board received a request for intervenor status from Mr. Alex Stelmach. After receiving no objections from the parties and determining that Mr. Alex Stelmach would materially assist the Board with respect to the appeal and that he has a tangible interest in the subject matter of the appeal, the Board granted Mr. Stelmach full intervenor status giving him the same rights as a party. At the August 16, 2001, hearing, the Board concluded that it had jurisdiction to review this case and that the Appellant had conducted an activity in contravention of section 36(1) of the *Water Act*. The Board therefore, found the Order valid and issued a Report and Recommendations on September 14, 2001, recommending the Minister of Environment confirm the Order and dismiss the appeal. On September 27, 2001, the Minister approved the recommendations. Cite as: *Yakimishyn* v. *Director, Enforcement and Monitoring, Parkland Region, Regional Services, Alberta Environment* (14 September 2001), Appeal No. 01-057 (A.E.A.B.)
Appellant(s): Summer Village of Gull Lake **Operator:** Summer Village of Gull Lake **Location**: Gull Lake **Type of Appeal:** Discontinuance of Proceedings **Appeal No.** 01-058	On June 19, 2001, the Board received a Notice of Appeal from the Summer Village of Gull Lake with respect to the decision of Alberta Environment to refuse their application to amend Approval No. 00138869-00-00. The Approval was issued under the *Water Act* for the construction of community beach areas in Gull Lake located on NW 22, NE 22, SW 26 and SE 27-040-28 and the appeal is with respect to the removal of weeds which would have a negative effect on the fisheries habitat in Gull Lake. In consultation with the parties, the Board held the appeal in abeyance pending discussions between the parties and potential resolution of the appeal. On August 15, 2001, the Appellant advised the Board that a resolution had been reached and the appeal would be withdrawn. As a result, on August 21, 2001, the Board issued a Discontinuance of Proceedings and closed its file. Cite as: *Summer Village of Gull Lake* v. *Director, Water Management, Parkland Region, Regional Services, Alberta Environment* (21 August 2001), Appeal No. 01-058 (A.E.A.B.)

Appellant(s)	Subject
Appellant(s): Mr. Ronald Pernarowski **Operator:** Imperial Oil Resources **Location**: Cold Lake **Type of Appeal**: Discontinuance of Proceedings **Appeal No.** 01-059	Alberta Environment issued *Water Act* Approval No. 00148301-00-00 to Imperial Oil Resources authorizing the diversion of water for the purpose of industrial injection from wells near Cold Lake, Alberta. The Board received Notices of Appeal from Mr. Ronald Pernarowski, and from Ms. Sally Ann Ulfsten of Stop and Tell Our Politicians Society (STOP). The Board held a mediation meeting in Cold Lake, Alberta on August 14, 2001., where an Interim Agreement was reached and the parties agreed to an abeyance of these appeals in order to work toward a resolution of the issues. Conference calls were subsequently held between the parties and the Mediator to assist the parties in determining the outstanding issues. During the conference calls it became apparent that although Mr. Pernarowski was close to an agreement with Imperial Oil. while, Ms. Ulfsten had a number of outstanding issues, and wished to proceed to a hearing. Therefore, Ms. Ulfsten's appeal is now proceeding independently from Mr. Pernarowski's appeal. As a result of a further mediation via teleconference, the appeal of Mr. Pernarowski was resolved and the appeal withdrawn. The Board issued a Discontinuance of Proceedings on February 28, 2002. Cite as: *Pernarowski* v. *Regional Director, Northern Region, Regional Services, Alberta Environment,* re: *Imperial Oil Resources* (28 February 2002), Appeal No. 01-059 (A.E.A.B.)
Appellant(s): Deneschuk Homes Ltd. **Operator:** Town of Sylvan Lake **Location:** Sylvan Lake **Type of Appeal:** Decision **Appeal No.** 01-060	On May 15, 2001, Amending Approval No. 1206-01-06 was issued to the Town of Sylvan Lake for the operation of a wastewater treatment plant, a wastewater collection system, and a storm drainage system. On June 21, 2001, the Board received a Notice of Appeal from Deneschuk Homes Ltd. stating that the Notice of Application misstated the type of facility for which the Amending Approval was sought. The Appellant indicated that it had not filed a Statement of Concern as it misunderstood the Notice of Application as published in the *Sylvan Lake News* by the Approval Holder. Given that the Appellant did not file a Statement of Concern, the Board needed to decide if the Notice of Appeal was properly before it. After considering all information brought forth, the Board advised the parties that it believed the Appellant intended to file a Statement of Concern, however, it did not take all reasonable steps to express this intent. On September 6, 2001, the Board issued a Decision to dismiss the appeal on the basis that the Appellant did not formally submit a Statement of Concern and that there is no justifiable reason for the Board to exercise its discretion to exempt the Appellant from this requirement. Cite as: *Deneschuk Homes Ltd.* v. *Director, Approvals, Parkland Region, Regional Services, Alberta Environment,* re: *Town of Sylvan Lake* (6 September 2001), Appeal No. 01-060 (A.E.A.B.)

Appellant(s)	Subject
Appellant(s): Imperial Oil Limited and Devon Estates Limited **Operator:** Imperial Oil Limited and Devon Estates Limited **Location:** Calgary **Type of Appeal:** As Listed (Active) **Appeal No.** 01-062	**Overview** – Imperial Oil Limited and Devon Estates Limited filed a Notice of Appeal with the Board on July 3, 2001, with respect to Environmental Protection Order #EPO-2001-01 (the "EPO"), issued to the Appellants for the Lynnview Ridge residential subdivision. The EPO states that Imperial Oil ran an oil refinery on the lands that are now the subdivision between 1923 and 1975 and that the majority of lands were transferred to Devon Estates who developed them in conjunction with another company. The EPO also states that analytical results included in a May 2001, draft report inidcate that "…numerous high hydrocarbon vapour concentrations [were] confirmed…" and that "…a number of soil samples taken for lead analysis…ranged over 1200mg/kg, and therefore exceed the Canadian Council of Ministers of Environment soil limit of 140mg/kg." **Decision** – The purpose of this Decision is to determine which matters included in the Notice of Appeal will be included in the hearing of the appeal. Authorized under section 87(2), (3), and (4) of the *Environmental Protection and Enhancement Act*, the Board issued a Decision on August 22, 2001, determining that the following issues would be included: 1. Are the Appellants persons responsible under section 102? This question is limited to the issues of whether section 102 has retroactive effect. 2. Has there been a release within the meaning of section 1(ggg) having regard to its 'historical nature' and has this release caused an adverse effect? 3. Does the Director have the discretion to choose between issuing an EPO under section 102 and issuing an EPO under section 114 and was that discretion exercised properly? and, 4. Did the Director exercise his discretion unreasonably by not naming others known to the Director as persons responsible under the EPO?. Cite as: *Imperial Oil Limited* v. *Director, Enforcement and Monitoring, Bow Region, Regional Regional Services, Alberta Environment.* (22 August 2001), Appeal No. 01-062 (A.E.A.B.) **Decision** – On September 11, 2001, the Director wrote the Appellants a letter indicating it was a "Decision on Conceptual Framework for Remediation at Lynnview Ridge". On September 12, 2001, the Director provided an additional letter to the Appellants. On September 18, 2001, the Appellants submitted a second Notice of Appeal to the Board with respect to the September 11 and 12 letters. On September 19, 2001, the Board sent letters to the parties requesting submissions on the second Notice of Appeal. The motions were: 1. Should the Board accept the new Notice of Appeal?, 2. Should the Board accept an amendment to the original Notice of Appeal?, 3. Should the Board add a new issue for the purposes of deciding the appeal? and 4. Document Production. On October 26, 2001, the Board issued a Decision that the following issue would be included in the hearing of the appeal: Issue 5: Is the EPO reasonable and sufficiently precise in the circumstances up to the date of the hearing. The Board also confirmed its previous direction regarding how the document production issue would be addressed. Cite as: *Preliminary Motions: Imperial Oil Limited* v. *Director, Enforcement and Monitoring, Bow Region, Regional Services, Alberta Environment.* (26 October 2001), Appeal No. 01-062 (A.E.A.B.) **Decision** – This Decision is with respect to two applications for document production. The Board has the power to order a witness to attend and produce documents at a hearing,

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pursuant to sections 3 and 4 of the Public Inquiries Act. For the Board to order the attendance of a witness and the production of documents, the Board must be satisfied that the evidence is potentially relevant and necessary to the issues that will be considered at the hearing of the appeal. On December 10, 2001, the Board issued a Decision to order Imperial Oil, the City of Calgary (an intervenor in this appeal), and the Director to provide witnesses and produce documents that the Board believes are potentially necessary and relevant to the issues before the Board in this appeal that are subject to certain general conditions. In its decision, the Board also took into consideration concerns expressed by the parties with respect to ensuring the search for the ordered documents is conducted properly and completely, that the document issues be brought to a close as soon a as possible and that the parties provide documents within the timelines specified in the agreement.

Cite as: *Document Production Motions: Imperial Oil Limited v. Director, Enforcement and Monitoring, Bow Region, Regional Services, Alberta Environment* (10 December 2001), Appeal No. 01-062 (A.E.A.B.)

A hearing was held on October 16-18 2001, and continued on February 5-6, 2002. As of April 1, 2002, this appeal is outstanding pending a report and recommendation from the Board.

Appellant(s)	Subject
Appellant(s): Mr. Clinton J. Marr and Spearpoint Cattle Company Ltd. **Operator**: Spearpoint Cattle Company Ltd. **Location**: Pincher Creek **Type of Appeal**: Decision **Appeal No.** 01-063	On July 10, 2001, the Board received a Notice of Appeal from Mr. Clinton J. Marr and Spearpoint Cattle Company Ltd. with respect to Water Management Order No. 2001-WA-DAM029-PR issued under the *Water Act* to Spearpoint Cattle Company Ltd. ("Spearpoint"). The Order states that Spearpoint must cease diversion of water from Dungarvan Creek at NW 16-003-29-W4 as the senior priority holder has made a claim because Dungarvan Creek is not able to sustain diversion from both the senior and junior priority user. The appeal advises that the Appellants did not own the land in question nor were they given a licence for diversion by Alberta Environment. The appeal was held in abeyance pending discussions between the parties and the potential for resolution. On July 30, 2001, Alberta Environment advised the Board that it was satisfied that the Appellants are not the subject of the Order. As a result, the Board requested the Appellants confirm their satisfaction with the meeting and withdraw their appeal. After not responding to the Board's letter and follow-up message left by Board staff on August 13, 2001, the Board issued a Decision on August 21, 2001 dismissing the Notice of Appeal for failure to respond to the Board's written request. Cite as: *Marr and Spearpoint Cattle Company Ltd.* v. *Director, Water Management, Prairie Region, Regional Services, Alberta Environment* (21 August 2001), Appeal No. 01-063 (A.E.A.B.)
Appellant(s): Golden Nodding Acres Owners Association **Operator**: Golden Nodding Acres Owners Association **Location**: Buck Lake **Type of Appeal:** Discontinuance of Proceedings **Appeal No.** 01-064	On July 12, 2001, the Board received a Notice of Appeal from Golden Nodding Acres Owners Association with respect to Approval No. 00151305-00-00 issued under the *Water Act* to the Golden Nodding Acres Owners Association for weed removal at NE 20-065-17-W4 of North Buck Lake. The Board scheduled a mediation meeting to be held on August 29, 2001 in Athabasca. The Board later received an e-mail from the Appellant advising that the parties were able to resolve their concerns, and as a result, pursuant to section 87(7) of the *Environmental Protection and Enhancement Act*, the Board issued a Discontinuance of Proceedings on August 30, 2001 and closed its file. Cite as: *Golden Nodding Acres Owners Association* v. *Director, Regional Support, Northeast Boreal Region, Alberta Environment* (30 August 2001), Appeal No. 01-064 (A.E.A.B.)
Appellant(s): Town of Lac La Biche **Operator:** Town of Lac La Biche **Location**: Lac La Biche **Type of Appeal:** Report and Recommendations **Appeal No.** 01-065	On July 13, 2001, the Board received a Notice of Appeal from the Town of Lac La Biche with respect to Table 5-1(2a) and Table 6-1 of Approval No. 911-02-00 issued under the *Water Act* to the Town of Lac La Biche for the construction, operation and reclamation of a waterworks system. The Board held a mediation meeting in the Town of Lac La Biche on September 18, 2001, were a resolution was reached. As a result, the Board issued a Report and Recommendations on September 28, 2001, recommending the conditions of the Resolution entered into between the parties be approved. The Minister approved the recommendations on October 1, 2001. Cite as: *Town of Lac La Biche* v. *Director, Approvals, Northeast Boreal Region, Regional Services, Alberta Environment.* (28 September 2001), Appeal No. 01-065 (A.E.A.B.)

Appellant(s)	Subject
Appellant(s): Joffre Oils Ltd. **Operator**: Joffre Oils Ltd. **Location**: near Okotoks **Type of Appeal:** Discontinuance of Proceedings **Appeal No.** 01-066	On July 18, 2001, the Board received a Notice of Appeal from Joffre Oils Ltd. with respect to a June 6, 2001, decision of Alberta Environment to refuse to issue a reclamation certificate for the Joffre et al Hartell 11-26-19-1 well. On August 22, 2001, the Board received a request for a 60-day abeyance pending discussions between the parties. On October 12, 2001, the Board received a letter from the Appellant advising that the Alberta Environment now understood the concerns raised and would make every effort to hold an inquiry after the Appellant's application was received, and the Notice of Appeal would be withdrawn. As a result, on October 25, 2001, the Board issued a Discontinuance of Proceedings and closed its file. Cite as: *Joffre Oils Ltd.* v. *Inspector, Bow Region, Regional Service, Alberta Environment* (25 October 2001), Appeal No. 01-066 (A.E.A.B.)
Appellant(s): Mr. Ronald Sackett **Operator**: PanCanadian Petroleum Ltd. **Location:** near Crossfield **Type of Appeal:** Discontinuance of Proceedings **Appeal No.** 01-067	On July 30, 2001, Mr. Ronald Sackett filed a Notice of Appeal with respect to Reclamation Certificate No. 39307 issued to PanCanadian Petroleum Ltd. for its well site at SW 33-28-28-W4. The Appellant is the landowner for which the Certificate was issued. On August 10, 2001, the Board received notice from the Operator that an agreement had been reached by the parties and on August 22, 2001, the Appellant advised the Board that the matter had been settled and he wished to cancel his appeal. As a result, the Board issued a Discontinuance of Proceedings on August 27, 2001 and closed its file. Cite as: *Sackett* v. *the Inspector, Bow Region, Regional Services, Alberta Environment,* re: *PanCanadian Petroleum Limited* (27 August 2001), Appeal No. 01-067 (A.E.A.B.)
Appellant(s): Mr. Kenneth A. Matier, Mr. Billie and Mrs. Shirley Borys, and Mr. Nick Supina **Operator:** Meadowview Sod Farms Ltd. **Location**: Fort Saskatchewan **Type of Appeal:** Decision **Appeal Nos.** 01-068, 069 and 070	On July 31, 2001, the Board received Notices of Appeal and requests for Stays from Mr. Kenneth Matier, Mr. Billie and Mrs. Shirley Borys, and Mr. Nick Supina with respect to Approval No. 00151115-00-00 issued under the *Water Act* to Meadowview Sod Farms Ltd. for the exploration of groundwater at SE 04-054-22-W4. Subsequently, Amending Approval No. 00151115-00-01 was issued to correct the location of the exploration to SE 09-054-22-W4. The exploration was in support of two *Water Act* licence applications for the Fox Run Golf course and for diverting water from a gravel pit to irrigate a sod farm. In consultation with the parties, the Board granted the Appellants' request to extend responses to the Board regarding their Stay requests. On August 30, 2001, Alberta Environment notified the Board that the Approval Holder requested the Approval be cancelled. In light of the cancellation, the Board advised the parties on August 31, 2001, that it would be dismissing the appeals. On September 4, 2001, Mr. Mathier advised the Board that he would be withdrawing his appeal. On September 12, 2001, the Board confirmed receipt of Mr. Mathier's letter and advised that it would be proceeding with issuing a Decision dismissing all of the appeals and on September 25, 2001, the Board issued its Decision as the appeals are now moot, not properly before the Board, or without merit. Cite as: *Matier et al.* v. *Director, Approvals, Northeast Boreal Region, Regional Services, Alberta Environment,* re: *Meadowview Sod Farms Ltd.* (25 September 2001), Appeal Nos. 01-068, 069 and 070 (A.E.A.B.)

Appellant(s)	Subject
Appellant(s): Mr. Douglas R. Stanger **Operator:** Renaissance Energy Ltd. **Location**: Drumheller **Type of Appeal**: Decision **Appeal No.** 01-071	On August 7, 2001, the Board received a Notice of Appeal from Mr. Douglas R. Stanger with respect to Reclamation Certificate 39458 issued to Renaissance Energy Ltd. for the Renaissance Drumheller 16-16-30-19 well, located at NE 16-30-19 W4M. The Appellant appealed the Certificate stating that the land has not been restored to his satisfaction. On August 27, 28 and September 7, 2001, the Board received notification from the Parties that a settlement had been reached. In his telephone call, the Appellant advised he would forward a letter with respect to withdrawing his appeal. To date, no letter has been received from the Appellant. On September 17, 2001, the Board issued a Decision dismissing the appeal as the Appellant failed to respond to the Board's written request on August 31, 2001, to confirm that a resolution had been reached and that the Appellant would be withdrawing his appeal. Cite as: *Stanger* v. *Inspector, Environmental Service, Alberta Environment,* re: *Renaissance Energy Ltd.* (17 September 2001), Appeal No. 01-071 (A.E.A.B.)
Appellant(s) :Messrs. John, Steven and Mses. Julie and Leanne Jenkins **Operator:** AES Calgary, **Location**: west of Chestermere **Type of Appeal:** Decision **Appeal No.** 01-073	On August 9, 2001, the Board received a letter from Messrs. John and Steven and Mses. Julie and Leanne Jenkins regarding a Gas Fired Power Plant (Application No. 2001113). On August 23, 2001, Board staff received a message from one of the parties advising they sent in their appeal prematurely as a final decision regarding the Application had yet to be made by Alberta Environment. On August 24, 2001, the Department advised that the Alberta Energy and Utilities Board ("AEUB") was currently holding a public hearing to determine if this project is in the public interest and that Alberta Environment has not yet made a decision on the matter. Given the fact that no decision has been made with respect to the Application and that the matter was under review by the AEUB, the Board on September 17, 2001, dismissed the appeal under section 87(5)(a)(i.2) of the *Environmental Protection and Enhancement Act*. Cite as: *Jenkins et al.* v. *Alberta Energy and Utilities Board,* re: *AES Calgary* (17 September 2001), Appeal No. 01-073 (A.E.A.B.)

Appellant(s)	Subject
Appellant(s): Elke Blodgett **Operator**: Genstar Development Company **Location:** St. Albert **Type of Appeal:** As Listed (Active) **Appeal No.** 01-074	**Overview** – Alberta Environment issued Approval No. 00150792-00-00 under the *Water Act* to the Genstar Development Company authorizing the placement of earth fill material on two parcels of land in the flood plains of the Sturgeon River and in the flood plains of Big Lake, in the City of St. Albert. The area where the fill material is being placed is proposed to become part of a new housing development. **Decision** - Ms. Elke Blodgett filed a Notice of Appeal objecting to the decision of Alberta Environment to reject her Statement of Concern and, in essence, objecting to the issuance of the Approval. The Notice of Appeal argued that Ms. Blodgett was directly affected and her Statement of Concern should have been taken into account. The Appellant requested the Approval to be cancelled and asked for a Stay pending the resolution of the appeal. The Board initially requested and received written submission on the questions of the Appellant's directly affected status and request for a Stay. Following a review of these submissions the Board decided to hold a preliminary meeting to hear further submissions from the parties. On December 28, 2001, the Board issued a Decision advising that it is of the view that the Appellant is not directly affected within the meaning of the *Water Act.* While the Appellant frequently uses the areas adjacent to the areas to be filled, the Board does not find that this provides a sufficient basis to find that she is directly affected. In the Board's view, the key difference between this case and the *Bildson* case, which the Appellant relies upon, is that the fill activity that is authorized under this Approval is taking place on private, as opposed to public land. Cite as: *Blodgett* v. *Director, Northeast Boreal Region, Regional Services, Alberta Environment* re: *Genstar Development Company* (28 December 2001), Appeal No. 01-074 (A.E.A.B.) Ms. Blodgett filed a request on March 13, 2002 for the Board to reconsider her directly affected status as outlined in the Board's Decision of December 28, 2001. Therefore, this appeal is active as of April 1, 2002, while the Board is considering Ms. Blodgett's reconsideration request.

Appellant(s)	Subject
Appellant(s): Ms. Margaret Ouimet and CASP Hwy 37 **Operator**: Ouellette Packers (2000) Ltd. **Location**: St. Albert **Type of Appeal:** As Listed **Appeal No.** 01-076	**Overview** – This appeal relates to Preliminary Certificate 00150725-00-00 and proposed Licence issued to Ouellette Packers (2000) Ltd. under the *Water Act*. The Preliminary Certificate provides that if Ouellette Packers meets the conditions of the Preliminary Certificate, it will be granted a Licence to divert 8,292 cubic meters of water annually from a well located in SW 03-055-26-W4M, near St. Albert, Alberta. Ouellette Packers intends to establish a hog processing plant at this location and the water is required to supply the plant. Ms. Margaret Ouimet and a group of local residents calling themselves "CASP Hwy 37" filed a Notice of Appeal opposing the issuance of the Preliminary Certificate and proposed Licence. **Decision** - The Board issued a Decision on January 28, 2002, stating that it has determined that Ms. Ouimet and the members of CASP Hwy 37 have not provided sufficient evidence to demonstrate that they are directly affected. In addition, the Board is also of the view that Ms. Ouimet's real concern is the potential release of contaminants into the environment from the hog processing plant. In the Board's view, if Ms. Ouimet is correct, the proper place to address the potential release of contaminants into the environment from the hog processing plant is in the Approval issued for that plant, under the *Environmental Protection and Enhancement Act*. The Board has also determined that it has not been presented with any evidence that would warrant extending the deadline for the other members of CASP Hwy 37 to file their own appeals. Cite as: *Ouimet et al.* v. *Director, Regional Support, Northeast Boreal Region, Regional Services, Alberta Environment,* re: *Ouellette Packers (2000) Ltd.* (28 January 2002), Appeal No. 01-076 (A.E.A.B.)
Appellant(s): APF Energy Corporation **Operator**: APF Energy Corporation **Location:** Drumheller **Type of Appeal:** Discontinuance of Proceedings **Appeal No.** 01-077	On August 28, 2001, the Board received a Notice of Appeal from Newpark Environmental Services on behalf of APF Energy Corporation for the refusal of Alberta Environment to issue a reclamation certificate to APF Energy Corporation for the Harbour Wayne 11-10-27-20 well. On July 31, 2001, Alberta Environment held a site inquiry and indicated the profile of vegetation did not meet criteria. On October 30, 2001, a mediation meeting was held in Drumheller, Alberta. Following discussions, APF advised they would be withdrawing their appeal and submitted a letter to the Board to this effect on November 9, 2001. As a result, the Board issued a Discontinuance of Proceedings on November 16, 2001, and closed its file. Cite as: *APF Energy Corporation* v. *Inspector, Bow Region, Alberta Environment* (16 November 2001), Appeal No. 01-077 (A.E.A.B.)

Appellant(s)	Subject
Appellant(s): Landemarc Farming Ltd. **Operator**: Grey Wolf Exploration Ltd. **Location**: near Smoky Lake **Type of Appeal**: Decision **Appeal No.** 01-078	On August 28, 2001, the Board received a Notice of Appeal from Landemarc Farming Ltd. with respect to Reclamation Certificate No. 40475 issued to Grey Wolf Exploration Ltd. for SE Sec. 6, Tp. 60, Rge. 19, W4M, incidental to Pacalta Woodland 2-6-60-19. In the Notice of Appeal, the Appellant asked the Board to hold the appeal in abeyance for one year in order to review the condition of the land and growth of vegetation. Thus, she did not intend to proceed on the merits of her complaint. The Board advised that the abeyance would be granted pending any objections from the other parties to the appeal. Grey Wolf Explorations Ltd. advised they did not have any objections, however, Alberta Environment advised that holding the appeal in abeyance would result in "regulatory uncertainty". Alberta Environment requested the Appellant withdraw the appeal, on a without prejudice basis, and should they be dissatisfied with the growth of grass at the site next spring, the right to appeal would remain in tact. On September 28, 2001, the Board issued a decision dismissing the appeal and determined it is not properly before the Board in that the intention is to preserve her right to appeal rather than proceed with the appeal. The Appellant has the right to file another appeal in this matter before July 12, 2002. Cite as: *Landemarc Farming Ltd.* v. *Inspector, Northeast Boreal Region, Regional Services, Alberta Environment.* (28 September 2001), Appeal No. 01-078 (A.E.A.B.)
Appellant(s): Mr. Eric Nielsen **Operator**: Anderson Exploration Ltd. (now Devon Canada Corporation) **Location:** Alix **Type of Appeal**: Discontinuance of Proceedings **Appeal No.** 01-079	On August 30, 2001, the Board received a Notice of Appeal from Mr. Eric Nielsen with respect to the decision of Alberta Environment o issue Reclamation Certificate No. 00147144-00-00 to Anderson Exploration Ltd. (now Devon Canada Corporation) for the Ulster Alix 2-19-29-23 W4 well located at S Sec. 19 Tp. 039 Rge. 23 W4M. On October 22, 2001, the Operator advised that a potential solution had been reached with the Appellant and on November 15, 2001, Board staff received a call from the Appellant advising that he was satisfied with the work completed by the Operator. On November 20, 2001, the Appellant wrote to the Board withdrawing his appeal on the grounds that "The drainage ditch has been repaired, and the sunken areas were filled and leveled." On November 23, 2001, the Board issued a Discontinuance of Proceeding and closed its file. Cite as: *Nielsen* v. *Inspector, Parkland Region, Regional Services, Alberta Environment* re: *Anderson Exploration Ltd.* (23 November 2001), Appeal No. 01-079 (A.E.A.B.)

Appellant(s)	Subject
Appellant(s): Mr. Blair Carmichael, Enron Canada Power Corporation, Mr. David Doull, the Lake Wabamun Enhancement and Protection Association, Mr. Nick Zon **Operator**: TransAlta Utilities Corporation **Location:** Wabamun Lake **Type of Appeal** (Active) **Appeal Nos.** 01-080, 081, 082, 084, 085, 134, 02-002, 003	On July 30, 2001, Alberta Environment issued Amending Approval 18528-00-03 and on March 9, 2002 issued *Water Act* Licence Amendment No. 00037698-00-02 to TransAlta Utilities Corporation, for the construction, operation, and reclamation of the Water Treatment Plant to be constructed at the Sundance Power Plant site at Wabamun Lake, County of Parkland, Alberta. The purpose of the plant is to mitigate the effects of the other TransAlta operations on Wabamun Lake. The Board received appeals from Mr. Blair Carmichael, Enron Canada Power Corporation, Mr. David Doull, the Lake Wabamun Enhancement and Protection Association and Mr. Nick Zon respecting the Approval for the Wabamun Lake Water Treatment Plant. The Board then received three appeal from Mr. David Doull, the Lake Wabamun Enhancement and Protection Association and Mr. Nick Zon with respect to the *Water Act* Licence. Enron Canada Power Corporation filed a Notice of Appeal on August 30, 2001, objecting to the Approval on the basis that it indirectly imposed obligations under the Sundance Power Plant Approval, in which Enron claims an interest. Enron claims that it has the right to appeal the Water Treatment Plant Approval as a result of the Power Purchase Arrangement that it has with TransAlta in relation to the Sundance Power Plant. A preliminary meeting is scheduled for April 17, 2002, and as of April 1, 2002, these appeals are active.
Appellant(s): OMERS Resources Ltd. **Operator**: OMERS Resources Ltd. **Location:** Hanna **Type of Appeal**: Report and Recommendations **Appeal No.** 01-083	On August 31, 2001, the Board received a Notice of Appeal dated August 31, 2001, from OMERS Resources Ltd. with respect to Alberta Environment's refusal to issue a reclamation certificate to OMERS Resources Ltd. for the Poco Watts 14-13-31-17 well. Alberta Environment indicated that the reclamation certificate was refused due to profile, poor vegetation, soil quality, and possible contamination. On September 4, 2001, the Appellant advised that Mr. Donald and Ms. Ruth Gordon would have an interest in the appeal. The Board scheduled a mediation meeting on October 22, 2001 in Hanna, Alberta, with the landowner, Mr. Gordon, also in attendance. Following productive and detailed discussions, a resolution evolved. As a result, the Board issued a Report and Recommendations on October 23, 2001, recommending to the Minister of Environment that the application for reclamation certificate be reinstated and that a new inquiry be conducted. The Minister approved the recommendations on October 29, 2001. Cite as: *OMERS Resources Ltd.* v. *Inspector, Bow Region, Regional Services, Alberta Environment.* (23 October 2001), Appeal No. 01-083 (A.E.A.B.)
Appellant(s): Devlan Exploration Company Ltd. **Operator**: Devlan Exploration Company Ltd. **Location:** Cereal **Type of Appeal**: Discontinuance of Proceedings **Appeal No.** 01-086	On September 6, 2001, the Board received a Notice of Appeal from Devlan Exploration Company Ltd. The appeal was with respect to the decision of Alberta Environment to refuse to issue a reclamation certificate to Devlan Exploration Company Ltd. with respect to well at Devlan Canor Sedalia 15-32-29-6-W4M. On September 17, 2001, Alberta Environment wrote to the Board, making a motion to dismiss the Notice of Appeal on the grounds that the appeal is without merit. The Appellant advised that he would withdraw the appeal, however, requested the file not be cancelled and a field inquiry be scheduled for 2002 and 2003. In response to the Appellant's request, Alberta Environment agreed to the proposal and will hold the file open until 2003. As a result, the Appellant withdrew the appeal and the Board issued a Discontinuance of Proceedings on October 11, 2001 and closed its file. Cite as: *Devlan Exploration Company Ltd.* v. *Inspector, Bow Region, Regional Services, Alberta Environment.* (11 October 2001), Appeal No. 01-086 (A.E.A.B.)

Appellant(s)	Subject
Appellant(s): ConCerv **Operator**: EPCOR Power Development Corporation and EPCOR Generation Inc. **Location**: Edmonton **Type of Appeal:** Decision **Appeal No.** 01-087	On December 10, 1996, Approval N. 1395-01-00 was issued to Edmonton Power Inc. (the predecessor to EPCOR) for the operation of the Rossdale thermal electric generating plant. On August 10, 2001, Amending Approval No. 1395-01-01 was issued to EPCOR Power Development Corporation and EPCOR Generation Inc. (collectively "EPCOR"). The Amending Approval amended specific conditions of the original Approval which authorized the construction of a 170 MW gas turbine generator, designated at Unit 11 at the Rossdale Power Plant. On August 31, 2001, Mr. John Oxenford, President of the Concerned Citizens for Edmonton's River Valley ("ConCerv") filed a Notice of Appeal with the Board on behalf of the members of Concerv, objecting to the expansion of the Rossdale facility. On September 20, 2001, Alberta Environment advised that EPCOR's project was the subject of extensive public hearing before the Alberta Energy and Utilities Board ("AEUB") and therefore, the appeal should be dismissed under s. 87(5)(b)(i) of the *Environmental Protection and Enhancement Act*. On September 6, 2001, the Board received documents from the EUB advising that ConCerv participated in a public hearing before the EUB and provided a copy of Decision 2001-33. On November 1, 2001, a meeting between the Alberta Environment and EPCOR took place to discuss the Amending Approval. On November 15, 2001, Approval 1395-01-01 was cancelled pursuant to section 67(3)(b) of the *Environmental Protection and Enhancement Act* and Approval 1395-01-00, as it existed before Approval 1395-01-01 was issued, remains in full force and effect. On November 22, 2001, the Board issued a Decision to dismiss the appeal as it is either moot, not properly before the Board or without merit. Cite as: *ConCerv* v. *Director, Northeast Boreal Region, Regional Services, Alberta Environment* re: *EPCOR Power Development Corporation an EPCOR Generation Inc.* (22 November 2001), Appeal No. 01-087 (A.E.A.B.)
Appellant(s): Town of St. Paul **Operator**: Town of St. Paul **Location:** St. Paul **Type of Appeal**: Discontinuance cf Proceedings **Appeal No.** 01-088	On September 6, 2001, the Town of St. Paul filed a Notice of Appeal with respect to Approval 1183-02-00 issued to the Town of St. Paul for the operation and reclamation of a waterworks system for the town. In response to Alberta Environment's concern that the appeal was filed outside the specified timelines, the Appellant responded with reasons on September 17, 2001. On October 11, 2001, the Appellant wrote to the Board advising that they did not wish to pursue the appeal at this time because it was evident that Alberta Environment was not prepared to exercise discretion to extend the appeal limit. The Board then advised the parties on October 15, 2001, that the final decision regarding exercising discretion lies with the Board. On October 23, 2001, Board staff received a telephone call from the Appellant advising that they were withdrawing the appeal and would make an application to Alberta Environment for an amendment of the Approval in question to address their concerns. As a result, on October 26, 2001, the Board issued a Discontinuance of Proceedings and closed its file. Cite as: *Town of St. Paul* v. *Director, Approvals, Northeast Boreal Region, Regional Services, Alberta Environment* (26 October 2001), Appeal No. 01-088 (A.E.A.B.)

Appellant(s)	Subject
Appellant(s): APF Energy Corporation **Operator:** APF Energy Corporation **Location:** Drumheller **Type of Appeal**: Discontinuance of Proceedings **Appeal No.** 01-089	On August 31, 2001, the Board received a Notice of Appeal from APF Energy Corporation with respect to the decision of Alberta Environment to refuse to issue a reclamation certificate to APF Energy Corporation Inc. for the Cairn et al Wayne 08-16-027-20 W4M well. On September 24, 2001, the Appellant advised the Board that they wished to withdraw the appeal on the grounds that the lease and all three access roads met criteria, and that another application would be submitted to the Department. On September 28, 2001, the Board issued a Discontinuance of Proceeding and closed its file. Cite as: *APF Energy Corporation* v. *Inspector, Bow Region, Regional Services, Alberta Environment* (28 September 2001), Appeal No. 01-089 (A.E.A.B.)
Appellant(s): Burnswest Corporation **Operator**: Burnswest Corporation **Location:** Cochrane **Type of Appeal:** Decision **Appeal No.** 01-090	Alberta Environment issued Administrative Penalty No. 01/10-BOW-AP-01/10 to Burnswest Corporation and Tiamat Environmental Consultants Ltd. in the amount of $3,500 for the contravention of what was section 59 (now section 61) of the *Environmental Protection and Enhancement Act*. This section prohibits a person from carrying out an activity without an approval. Alberta Environment alleged that Burnswest and Tiamat treated more than 10 tonnes of hazardous waste by land treating soil with concentrations of leachable naphthalene greater than 0.5 mg/L at a construction site in Cochrane, Alberta. The treatment of more than 10 tonnes of hazardous waste per month requires an approval. Burnswest, supported by Tiamat, appealed the Administrative Penalty, and the Board held a hearing on December 11, 2001. During the hearing, it became apparent that the evidence of an additional employee of Alberta Environment would be necessary to conclude the hearing. As this employee was not available to attend the hearing on December 11, 2001, the Board adjourned the hearing and continued on February 1, 2002, to hear this additional evidence. Upon reviewing all the evidence, the Board issued a Decision on March 1, 2002, confirming Alberta Environment's decision to issue an Administrative Penalty to the Burnswest and Tiamat. However, the Board reduced the amount of the Administrative Penalty from $3500 to $1000. In coming to this decision, the Board assessed a greater portion of the penalty than Alberta Environment suggested for failing to obtain an approval from Alberta Environment prior to starting the treatment of hazardous waste. The Board believes that the requirement to obtain an approval is the cornerstone of the regulatory scheme. However, the Board also reduced a portion of the penalty as there was considerable confusion among Alberta Environment employees as to the type of authorization required, resulting in miscommunication and an unacceptably long delay for Burnswest to be informed of what was needed in the application and in assessing the administrative penalty. The Board also decreased the amount of the penalty to $1,000 taking into account the level of response and cooperation from Burnswest and Tiamat. Cite as: *Burnswest* v. *Director, Enforcement and Monitoring, Bow Region, Regional Services, Alberta Environment* (1 March 2002), Appeal No. 01-090 (A.E.A.B.)

Appellant(s)	Subject
Appellant(s): Mr. Stanley Pethybridge **Operator**: Village of Alix **Location**: Village of Alix **Type of Appeal:** Discontinuance of Proceedings **Appeal No.** 01-092	On September 25, 2001, the Board received a Notice of Appeal from Mr. Stanley Pethybridge for Approval No. 00147207-00-00 issued to the Village of Alix. The Appellant advised that he did not authorize any drilling on his land by Westcan Malting Ltd. or the Village of Alix and therefore, did not want the licence to be issued. On October 1, 2001, the Board advised the Appellant that the Notice of Appeal was filed outside the prescribed time limits set out in the *Water Act*, S.A. 1996, c. W-3.5, and requested reasons for the extension of time to appeal. Through ongoing discussions between the Appellant and Westcan Malting Ltd., and the Appellant granted permission to access the land and on November 13, 2001, advised the Board that he would be withdrawing his appeal. As a result, on November 19, 2001, the Board issued a Discontinuance of Proceedings and closed its file. Cite as: *Pethybridge* v. *Director, Parkland Region, Regional Support, Alberta Environment,* re: *Village of Alix* (19 November 2001), Appeal No. 01-092 (A.E.A.B.)
Appellant(s): Mount Vista Estates Co-operative Ltd. **Operator**: Mount Vista Estates Co-operative Ltd. **Location**: Municipal District of Rocky View No. 44 **Type of Appeal**: Decision **Appeal No.** 01-093	Alberta Environment issued Approval No. 147324-00-00 to Mount Vista Estates Co-operative Ltd. authorizing the construction, operation and reclamation of a waterworks system for the Mount Vista Estates subdivision located in E ½ 26-26-4-W5M in the Municipal District of Rocky View No. 44. Mount Vista Estates Co-operative Ltd. filed an appeal with the Board, appealing the condition under part 4 of the Approval under which a certified operator is required to operate the waterworks system. A mediation meeting was scheduled, however, it was subsequently cancelled, and a conference call took place between the Board's General Counsel and Settlement Officer, Alberta Environment and Mount Vista Estates Co-operative Ltd. During the conference call Mount Vista Estates Co-operative Ltd. agreed to pursue further avenues for complying with the requirement to have a certified operator. Discussions and the endeavours of Mount Vista Estates Co-operative Ltd. did not result in the resolution of the appeal and a motion was brought forward by Alberta Environment to dismiss the appeal. In order to bring the appeal to a conclusion, the Board scheduled a hearing via written submissions. The Board did not receive the initial written submission from Mount Vista Estates Co-operative Ltd. on the due date. After writing again to Mount Vista Estates Co-operative Ltd., requesting they submit their written submission, and after telephone conversations with them, it became apparent that they were neither going to provide a written submission or a letter of withdrawal to the Board. The Board issued a Decision on February 25, 2002, dismissing the appeal pursuant to section 95(5) of *the Environmental Protection and Enhancement Act* for failing to comply with a written notice. Cite as: *Mount Vista Estates Co-operative Ltd. v. Director, Bow Region, Regional Services, Alberta Environment.* (25 February 2002), Appeal No. 01-093 (A.E.A.B.)

Appellant(s)	Subject
Appellant(s): Mr. Robert Lederer on behalf of Mrs. Christine Lederer, Mr. Pat and Mrs. Rita Chant, Mr. and Mrs. Rod McBride and Mr. Daryl Seaman and Dr. E.W. Paul Luxford **Operator**: Spruce Valley Ranch Ltd. **Location**: near Millarview **Type of Appeal:** Discontinuance of Proceedings **Appeal Nos.** 01-094 and 01-109	On October 11, 2001, the Board received a Notice of Appeal from Mr. Robert Lederer on behalf of Mrs. Christine Lederer, Mr. Pat and Mrs. Rita Chant, Mr. and Mrs. Rod McBride and Mr. Daryl K. Seaman with respect to Approval No. 00076520-00-00 issued to Spruce Valley Ranch Ltd.. The Approval authorized the construction of works for the realignment of a coulee and construction of a silt pond and raw water storage reservoir on a coulee tributary to Threepoint Creek in NW 02-021-03-W5 and NE 03-021-03-W5. The Board advised a mediation meeting would be held on December 5, 2001, in Calgary. The Board also received correspondence and later a Notice of Appeal from Dr. E.W. Paul Luxford. In consultation with the parties, the Board decided that Mr. Luxford could participate in the mediation meeting, however did not make a determination on the status of his appeal. On December 5, 2001, the Board held the mediation meeting and following detailed discussions, the Appellants agreed to withdraw their appeals. On December 7 and 12, 2001, the Board received letters from the Appellants confirming that they would withdraw the appeals. As a result, the Board issued a Discontinuance of Proceedings on December 12, 2001, and closed its files. Cite as: *Lederer et al.* v. *Director, Bow Region, Regional Services, Alberta Environment re: Spruce Valley Ranch Ltd.* (12 December 2001), Appeal Nos. 01-094 and 01-109 A.E.A.B.)
Appellant(s): River Breakup Task Force **Operator:** TBG Contracting Ltd. **Location**: Fort McMurray **Type of Appeal:** Report and Recommendations **Appeal No.** 01-095	On October 17, 2001, the Board received a Notice of Appeal from the River Breakup Task Force of the Regional Municipality of Wood Buffalo, with respect to Approval 00154730-00-00 issued to TBG Contracting Ltd.. The Approval authorizes the construction of an ice bridge on the Athabasca River in NW 28 and NE 29-089-09-W4M. A mediation meeting took place on November 20, 2001, in Fort McMurray, whereby a resolution evolved. On November 21, 2001, the Board received a letter from the Appellant confirming ratification of the resolution. On the same day, the Board issued a Report and Recommendations to the Minister of Environment and on November 26, 2001, the Minister approved the recommendations. Cite as: *River Breakup Task Force* v. *Director, Northeast Boreal Region, Regional ervices,Alberta Environment* re: *TBG Contracting Ltd.*
Appellant(s): Ms. Linda Court **Operator**: Lafarge Canada Inc. **Location:** Municipal District of Rocky View No. 44 **Type of Appeal**: (Active) **Appeal No.** 01-096	On October 2, 2001 Alberta Environment issued Approval 150612-00-00 to Lafarge Canada Inc. for the opening up, operation, and reclamation of a pit on N 7-22-28-W4M and NE 12-22-29-W4M in the Municipal District of Rocky View, Alberta. On November 21, 2001, the Board received a Notice of Appeal from Ms. Linda J. Court appealing the Approval. A mediation meeting was held on January 23, 2002, in Calgary, Alberta, however, the Parties did not reach a resolution. Although the Notice of Appeal stated the grounds of the appeal, the Board decided that it was necessary to more precisely indicate what issues are properly before the Board. As of April 1, 2002, this appeal is active as the Board receives submissions on the status of the parties.

Appellant(s)	Subject
Appellant(s): Mr. James Kievit, Mr. Paul Adams, Mr. Marlo Raynolds, Ms. Nadine Raynolds, Mr. Jeff Eamon and Ms. Anne Wilson, Mr. Hal Retzer, the Bow Valley Citizens Clean Air Coalition, Ms. Tracey Henderson, Ms. Amy Taylor and Mr. Gary Parkstrom **Operator:** Lafarge Canada Inc. **Location:** Exshaw **Type of Appeal:** Decision (Active) **Appeal Nos.** 01-097-105 and 107	On October 22, 2001, Alberta Environment issued Amending Approval 10702-01-02 to Lafarge Canada Inc. for its cement manufacturing plant near Exshaw, Alberta. The Amending Approval permits Lafarge to change the fuel supply for part of the plant from natural gas to coal. The Board received nine individual appeals and one by a Coalition in November 2001. The Coalition was formed by members of the Bow Valley Citizens for Clean Air and members of the Pembina Institute for Appropriate Development for the purpose of these appeals. The parties came to an agreement as to who would have standing to have their appeals proceed before the Board. It was agreed that three of the individuals and the Bow Valley Citizens for Clean Air should be granted standing. The Board reviewed the joint submission of the parties respecting this agreement and the Notices of Appeal and decided it would accept the Notices of Appeal filed by the three individuals, but that it would not accept the Notice of Appeal filed in part by the Bow Valley Citizens for Clean Air. However, the Board decided that the Bow Valley Citizens for Clean Air would be granted party status. As a result, the Board dismissed the Notice of Appeals of the Coalition and the six remaining individuals. As part of its standard practice, the Board also considered whether the issues in the Notices of Appeal had been considered by the Natural Resources Conservation Board or the Alberta Energy and Utilities Board, and whether the persons filing the Notices of Appeal had an opportunity to participate in any of these decision making processes. On the basis of the evidence provided by these boards and the parties to this appeal, the Board finds the provisions of the *Environmental Protection and Enhancement Act* regarding the Natural Resources Conservation Board and the Alberta Energy and Utilities Board are not applicable with respect to these appeals. Cite as: *Standing Decision: Kievit et al. v. Director, Approvals, Southern Region, Regional Services, Alberta Environment re: Lafarge Canada Inc.* (24 June 2002), Appeal Nos. 01-097-105 and 107 During the course of processing the remaining three appeals of Mr. James Kievit, Dr. Paul Adams and Mr. Jeff Eamon, the Board asked for submissions on what issues identified in the Notices of Appeal should be included in the hearing of the appeals. After reviewing these submissions, the Board decided to hold a preliminary meeting on March 25, 2002 to decide what issues would be addressed at the hearing. This appeal is active as of April 1, 2002.

Appellant(s)	Subject
Appellant(s): Chipewyan Prairie First Nation **Operator:** Enbridge Pipelines (Athabasca) Inc. **Location:** near Christina Lake **Type of Appeal**: Procedural Decision **Appeal No.** 01-110	The Board received a Notice of Appeal from the Chipewyan Prairie First Nation (CPFN) with respect to Approval No. 153497-00-00 issued under the *Environmental Protection and Enhancement Act* to Enbridge Pipelines (Athabasca) Inc. for the construction and reclamation of a pipeline near Christina Lake, Alberta. CPFN asked for a Stay of the Approval pending the resolution of their appeal. Alberta Environment argued that the Board does not have the jurisdiction or expertise to decide constitutional issues relating to: the validity of the alleged aboriginal and treaty rights of CPFN; the alleged infringement of those rights; and the alleged duty of Alberta Environment to consult with CPFN. On this basis, Alberta Environment argues that the appeal should be dismissed. The Board asked for submissions from the Parties on the questions: What steps, if any, have the CPFN taken, since it first knew of the request for the Approval that is the subject of this appeal, to enforce the rights to which it now asks the Board to give effect? 2. Given the nature of the rights the CPFN seeks to enforce, and the likelihood of controversy between the parties over the existence, extent and consequences of those rights, why is the Board the appropriate forum to deal with these issues as opposed to the ordinary courts, which possesses among other powers, the power to grant appropriate interim relief? Following its review of these submissions, the Board issued a Procedural Decision on March 22, 2002 stating that it has decided to adjourn the request for a Stay for 30 days to allow CPFN to commence an action in Court to enforce the rights that they are claiming, should they wish to do so. As part of such an action, CPFN can seek an order against Alberta Environment to restrain the granting of permission to proceed with the pipeline project. If such an injunction is granted, the Board will immediately review it and consider the request for a Stay in light of the terms of such an injunction. CPFN may instead seek a mandatory injunction requiring that the consultation measures they are requesting be carried out. Again, the Board will be guided by the decision of the Court, whatever it may be. Cite as: *Preliminary Motions re: Chipewyan Prairie First Nation* v. *Director, Bow Region, Regional Services, Alberta Environment* re: *Enbridge Pipelines (Athabasca) Inc.* (22 March 2002), Appeal No. 01-110 (A.E.A.B.)

Appellant(s)	Subject
Appellant(s): Bullshead Water Co-op Ltd. **Operator**: Bullshead Water Co-op Ltd. **Location:** Medicine Hat **Type of Appeal**: Discontinuance of Proceedings **Appeal No.** 01-114	The Board received a letter from the Bullshead Water Co-op Ltd. with respect to Preliminary Certificate No. 00158361-00-00 issued by Alberta Environment to the Bullshead Water Co-op Ltd. for the diversion of water and operating a waterworks. The Water Co-op filed an appeal as they did not fully understand the implications of the Preliminary Certificate, the associated conditions and the appendix attached to the Preliminary Certificate. The Board requested the Water Co-op provide further information to the Board including their grounds for appeal and the relief sought. On February 21, 2002, the Board received a letter from the Water Co-op withdrawing their appeal. The Board issued a Discontinuance of Proceedings on February 22, 2002. Cite as: *Bullshead Water Co-op Ltd.* v. *Director, Southern Region, Regional Services, Alberta Environment* (22 February 2002), Appeal No. 01-114 (A.E.A.B.)
Appellant(s): Resorts of the Canadian Rockies Inc. **Operator**: Resorts of the Canadian Rockies Inc. **Location:** Bragg Creek **Type of Appeal**: Decision **Appeal No.** 01-116	Alberta Environment issued Administrative Penalty No. 01/29-BOW-AP-02/03 to Wintergreen Family Resorts Ltd. and Resorts of the Canadian Rockies Inc. for a contravention of section 213(e) (now section 227 (e)) of the *Environmental Protection and Enhancement Act* for failing to ensure that the day-to-day operations of the plant and collection system were supervised by an operator holding a wastewater treatment plant Operator Certificate, late submission of the Wastewater Irrigation Report and failing to immediately report a contravention of the Approval. The Approval in question was issued to Wintergreen Family Resorts Ltd. for the operation of the waste water treatment plant. This section of the *Environmental Protection and Enhancement Act* makes it an offence to violate a term or condition of an Approval. The parties agreed to an amendment of the Administrative Penalty by deleting Resorts of the Canadian Rockies Inc. The Board issued a Decision on March 4, 2002, ordering the Administrative Penalty be amended by deleting Resorts of the Canadian Rockies Inc. *Cite as: Resorts of the Canadian Rockies Inc.* v. *Director, Southern Region, Regional Services, Alberta Environment.*(4 March 2002), Appeal No. 01-116 (A.E.A.B.)
Appellants: Mr. Wayne Hanson, Mr. Ronald Hanson, Ms. Irene Hanson, Mr. Soren Davy, Mr. Robin Mark Davy, MR. Daniel Davy, Mr. Frank Jensen, Mr. Ken Reid **Operator:** Apple Creek Golf and Country Club **Location:** Near Airdire **Type of Appeal:** (Active) **Appeal Nos.** 01-123 – 127 & 01-129-131	On March 26, 2002, the Board received Notices of Appeal from Mr. Wayne Hanson, Mr. Ronald Hanson, Ms. Irene Hanson, Mr. Soren Davy, Mr. Robin Mark Davy, MR. Daniel Davy, Mr. Frank Jensen, Mr. Ken Reid and on March 27, 2002, from Mr. Robert Copley. The appeals are with respect to Preliminary Certificate 00137211-00-00 issued under the *Water Act* to the Apple Creek Golf and Country Club to divert water from McPherson Coulee to sustain the golf course. As of April 1, 2002, this appeal is active.

APPENDIX 'E'

SUBJECT OF APPEALS

APPENDIX E

APPEALS RELATING TO:

1. *ENVIRONMENTAL PROTECTION AND ENHANCEMENT ACT* APPROVALS

01-001	TransAlta Utilities Corporation/Approval 10323-02-00 (Summer Village of Kapasiwin and Donna Thomas)
01-002	TransAlta Utilities Corporation/Approval 10323-02-00 (James Paron)
01-003	TransAlta Utilities Corporation/Approval 10323-02-00 (His Worship Mayor William F. Purdy, Village of Wabamun)
01-004	TransAlta Utilities Corporation/Approval 10323-02-00 (David Doull)
01-005	TransAlta Utilities Corporation/Approval 10323-02-00 (F. Locke Boros, Wabamun Enhancement and Protection Association)
01-011	TransAlta Utilities Corporation/Approval 10323-02-00 (His Worship Mayor C. Gordon Wilson, Summer Village of Point Alison)
01-035	AEC Pipelines Ltd. - Foster Creek Pipelines Project/Amending Approval No. 136570-00-01 (The Metis Nation of Alberta, Zone II, Henry Desjarlais, Gabe Cardinal, William Cardinal, Gus Cardinal Jr. and Sam Dumais)
01-049	TransAlta Utilities Corporation/Amending Approval 9830-01-10 (Locke Boros, Lake Wabamun Enhancement and Protection Association
01-060	Town of Sylvan Lake/Amending Approval No. 1206-01-06 (Demeschuk Homes Ltd.)
01-065	Town of Lac La Biche/Approval No. 911-02-00
01-072	Corridor Pipeline Limited/Approval 69136-00-01 (Tom Weber)
01-080	TransAlta Utilities Corporation/Approval 18528-00-03 (Blair Carmichael)
01-081	TransAlta Utilities Corporation/Approval 18528-00-03 (Enron Canada Power Corporation)

01-082	TransAlta Utilities Corporation/Approval 18528-00-03 (David Doull)
01-084	TransAlta Utilities Corporation/Approval 18528-00-03 (Locke Boros, Lake Wabamun Enhancement and Protection Association)
01-085	TransAlta Utilities Corporation/Approval 18528-00-03 (Nick Zon)
01-087	EPCOR/Amending Approval 1395-01-01 (John Oxenford, ConCerv)
01-088	Town of St. Paul/Approval 1183-02-00
01-093	David Bartle of Mount Vista Estates Co-Operatives/Approval 147324-00-00
01-096	Lafarge Canada Inc./Approval 150612-00-00 (Linda Court)
01-097	Lafarge Canada Inc./Amending Approval 1702-01-02 (James Kievit)
01-098	Lafarge Canada Inc./Amending Approval 1702-01-02 (Dr. Paul Adams)
01-099	Lafarge Canada Inc/Amending Approval 1702-01-02 (Marlo Raynolds)
01-100	Lafarge Canada Inc/Amending Approval 1702-01-02 (Nadine Raynolds)
01-101	Lafarge Canada Inc./Amending Approval 1702-01-02 (Jeff Eamon and Anne Wilson)
01-102	Lafarge Canada Inc./Amending Approval 1702-01-02 (Hal Retzer)
01-103	Lafarge Canada Inc./Amending Approval 1702-01-02 (Bow Valley Citizens for Clean Air and Pembina Institute for Appropriate Development, collectively known as the Bow Valley Citizens for Clean Air Coalition)
01-104	Lafarge Canada Inc./Amending Approval 1702-01-01(Dr. Tracey Henderson)
01-105	Lafarge Canada Inc./Amending Approval 1702-01-01(Amy Taylor)
01-106	Shell Chemicals Canada Ltd./Amending Approval 9767-01-09 (William F. Procyk)
01-107	Lafarge Canada Inc./Amending Approval 1702-01-01 (Gary Parkstrom)
01-108	Shell Chemicals Canada Ltd./Amending Approval 9767-01-09 (Andy Dzurny)
01-110	Enbridge Pipelines (Athabasca) Inc./Approval 153497-00-00 (Chipewyan Prairie First Nation)

01-132	Bouvry Exports Calgary Ltd./Approval No. 004-11200

2. *WATER ACT* APPROVALS, PRELIMINARY CERTIFICATES AND APPLICATIONS

01-007	County of Vermilion River No. 24/Approval No. 00141216-00-00 (Rod Van Metre)
01-008	County of Vermilion River No. 24/Approval No. 00141216-00-00 (Lorna C. McDonald)
01-009	County of Vermilion River No. 24/Approval No. 00141216-00-00 (Wilmer and Grace Allen)
01-012	Shawn Morton/Approval 140153-00-00 (Donald Graham)
01-013	Shawn Morton/Approval 140153-00-00 (Helen Brock & Barry Cunningham)
01-014	Shawn Morton/Approval 140153-00-00 (Douglas Brock)
01-015	Village of Standard/Approval No. 00082525-00-00 (Gordon Grant)
01-016	Village of Standard/Approval No. 00082525-00-00 (Joan Yule)
01-017	B & J Schneider Ranching/Preliminary Certificate 00139098-00-00 (Louis and Verna Schafer)
01-018	B & J Schneider Ranching/Preliminary Certificate 00139098-00-00 (David Hausauer)
01-019	B & J Schneider Ranching/Preliminary Certificate 00139098-00-00 Roy Hausuer)
01-020	B & J Schneider Ranching/Preliminary Certificate 00139098-00-00 (Chryle Bascom)
01-021	B & J Schneider Ranching/Preliminary Certificate 00139098-00-00 (Ken Benson)

01-022	B & J Schneider Ranching/Preliminary Certificate 00139098-00-00 (Ivan Hausauer)
01-023	B & J Schneider Ranching/Preliminary Certificate 00139098-00-00 (Donald Elhart)
01-024	B & J Schneider Ranching/Preliminary Certificate 00139098-00-00 (Tracy Elhart)
01-025	B & J Schneider Ranching/Preliminary Certificate 00139098-00-00 (Bernice Bonneau)
01-026	B & J Schneider Ranching/Preliminary Certificate 00139098-00-00 (Aaron Elhart)
01-027	B & J Schneider Ranching/Preliminary Certificate 00139098-00-00 (Brian Franz)
01-028	B & J Schneider Ranching/Preliminary Certificate 00139098-00-00 (Edward Aberle)
01-029	B & J Schneider Ranching/Preliminary Certificate 00139098-00-00 (Bill Hoff)
01-030	B & J Schneider Ranching/Preliminary Certificate 00139098-00-00 (Merlen Brost)
01-031	B & J Schneider Ranching/Preliminary Certificate 00139098-00-00 (Neil Hoff)
01-032	B & J Schneider Ranching/Preliminary Certificate 00139098-00-00 (Darcy Geigle)
01-033	TBG Contracting Ltd./Approval No. 00144709-00-00 (Hilda Hanson, Chair, River Breakup Task Force)
01-034	Hutterian Brethren Church of Erskien/Licence No. 001432247-00-00/ (Douglas B. Leschert)
01-037	Alberta Environment-Tiger Lilly Lake Project NE 31-59-5-W5/Amending Approval No. 00140706-00-01 (Harry Proft)
01-038	Summer Village of Grandview/Approval No. 00145483-00-00 (Ove Minsos, Q.C.)

01-040	Village of Ryley/Approval 00142349-00-00 (Sheila Mizera)
01-041	Village of Ryley/Approval 00142349-00-00 (Terry and Fay Mizera)
01-042	B & J Schneider Ranching/Preliminary Certificate 00139098-00 (Stanley Weiss)
01-043	Village of Ryley/ Approval 00142349-00-00/(Horst Glombick)
01-044	Highland Feeders Ltd./*Water Act* Licences 00139015-00-00 and 00139016-00-00 (Brian Hunka & Nick Hunka)
01-045	Parkland County/Approval No. 00137322-22-00 (James Paron)
01-046	Parkland County/Approval No. 00137322-22-00 (David Doull)
01-047	Parkland County/Approval No. 00137322-22-00 (Dan Sorochan)
01-050	Cam-A-Lot Holdings/Approval No. 00147-00-00 (Tom and Mae Adamyk)
01-051	D. Ray Construction/Approval No. 00150120-00-00 (Vant Erve Dairy Ltd.)
01-052	Cam-A-Lot Holdings/Approval No. 00147-00-00 (Evelyn Kucy)
01-053	D. Ray Construction/Approval No. 00150120-00-00 (Heggelund)
01-054	Cam-A-Lot Holdings/Approval No. 00147-00-00 (Ted Jakubowski)
01-055	Cam-A-Lot Holdings/Approval No. 00147-00-00 (Jason Lewyk, St.Michael Trade and Water Supply)
01-056	D. Ray Construction/Approval No. 00150120-00-00 (Robert Hill)
01-058	Summer Village of Gull Lake Application to Amend/Approval No. 00138869-00-00
01-059	Imperial Oil Resources/Licence No. 00148301-00-00 (Ronald Pernarowski)
01-061	Imperial Oil Resources/Licence No. 00148301-00-00 (Sally Ulfsten, STOP)
01-064	Golden Nodding Acres Owners Association/Approval No. 00151305-00-00
01-068	Meadowview Sod Farms/Approval No. 00151115-00-00 (Kenneth A. Matier)

01-069	Meadowview Sod Farms/Approval No. 00151115-00-00 (Billie and Shirley Borys)
01-070	Meadowview Sod Farms/Approval No. 00151115-00-00 (Nick Supina)
01-074	Genstar Development Company Approval No. 00150792-00-00 (Elke Blodgett)
01-075	Genstar Development Company Approval No. 00150792-00-00 (Louise Horstman, BLESS)
01-076	Ouellette Packers Ltd./Preliminary Certificate No. 00150725-00-00 (Margaret Ouimet)
01-091	Axel Steinmann/Approval No. 00151445-00-00 (Grant H. McNabb)
01-092	Village of Alix/Approval No. 00147207-00-00 (Stanley Pethybridge)
01-094	Spruce Valley Ranch Ltd./Approval 00076520-00-00 (Robert Lederer on behalf of Robert and Christine Lederer, Mr. and Mrs. Pat Chant, Rod McBride and Daryl K. Seaman)
01-095	TBG Contracting Ltd./Approval 00154730-00-00 (Hilda Hanson, River Breakup Task Force, Regional Municipality of Wood Buffalo)
01-109	Spruce Valley Ranch Ltd./Approval 00076520-00-00 (Dr. E.W. Paul Luxford)
01-113	AAA Cattle Company Ltd./Approval 00160167-00-00 (Ross and Judy Warner)
01-114	Bruce Cairns, Bullshead Water Co-op Ltd./ Preliminary Certificate 00158361-00-00
01-115	AAA Cattle Company Ltd./Approval 00160167-00-00 (Richard Kelk & Catherine McCulloch)
01-119	Petrus Peeters and Elizabeth Peeters-Matijsen/Licence 00176369-00-00 (Tanni Parker)
01-120	Petrus Peeters and Elizabeth Peeters-Matijsen/Licence 00176369-00-00 (Darcy Doblanko)
01-121	City of Edmonton/Approval 00157215-00-00 (Ducks Unlimited Canada, Prairie Region)
01-123	Apple Creek Golf and Country Club/Approval No. 00137206-00-00 (Ronald Hanson)

01-124	Apple Creek Golf and Country Club/Approval No. 00137206-00-00 (Frank Jensen)
01-125	Apple Creek Golf and Country Club/Approval No. 00137206-00-00 (Robin Mark Davy)
01-126	Apple Creek Golf and Country Club/Approval No. 00137206-00-00 (Daniel Davy)
01-127	Apple Creek Golf and Country Club/Approval No. 00137206-00-00 (Soren Davy)
01-128	Apple Creek Golf and Country Club/Approval No. 00137206-00-00 (Ken Reid)
01-129	Apple Creek Golf and Country Club/Approval No. 00137206-00-00 (Robert Copley)
01-130	Apple Creek Golf and Country Club/Approval No. 00137206-00-00 (Irene Hanson)
01-131	Apple Creek Golf and Country Club/Approval No. 00137206-00-00 (Wayne Hanson)
01-133	Burtt Consulting and Development/Approval No. 00183268-00-00 (Joe Pitt)
01-134	Transalta Utilities Corporation Ltd./Licence Amendment No. 0037698-00-02 (Blair Carmichael)

3. *WATER ACT* ENVIRONMENTAL PROTECTION ORDERS

01-061	Imperial Oil Resources/Licence No. 00148301-00-00 (Sally Ulfsten, STOP)

4. *WATER ACT* ENFORCEMENT ORDERS

01-039	Petro Canada & Enerplus Resources Corporation/Enforcement Order No. 2001-WA-02 (Lawson Patten)
01-048	Zena Moisey/Enforcement Order 2001-WA-05
01-057	Enforcement Order 2001-WA-06 (Bill Yakimishyn)

01-063	Clinton J. Marrr of Spearpoint Cattle Company Ltd./Water Management Order No. 2001-WA-DAM029-PR
01-112	Steven Seniuk Enforcement Order 2001-WA-08

5. RECLAMATION CERTIFICATES

01-006	Talisman Energy Inc./Application for Reclamation Certificate
01-066	Joffre Oils Ltd./Alberta Orphan Program, Alberta Energy and Utilities Board/Reclamation Certificate Application Joffre et al Hartell 11-26-19-1-Well
01-067	Pan Canadian Petroleum Limited/Reclamation Certificate (Ronald Brent Sackett)
01-071	Renaissance Energy Ltd./Reclamation Certificate No. 39458 (Douglas R. Stanger)
01-077	APF Energy Corporation and Newpark Environmental Services Inc./Application for Reclamation Certificate for Harbour Wayne 11-10-027-20 W4M @ 01-15 Well
01-078	Grey Wolf Exploration Inc. and Seaway Project Management Ltd./Reclamation Certificate No. 40475/Pacalta Woodland 2-6-60-19 Well (Ms. Sherrill L. Demarco, Landemarc Farming Ltd.)
01-079	Anderson Exploration Ltd./Reclamation Certificate No. 147144 (Eric Nielsen)
01-083	OMERS Resources Ltd. And Hart Environmental Land Protection Inc/Application for Reclamation Certificate for Poco Watts Well 14-13-31-16 W4
01-086	Devlan Exploration Co. Ltd./Application for Reclamation Certificate for 15-32-29-6-W4M
01-089	APF Energy Corporation and Newpark Environmental Services Inc/Application for Reclamation Certificate for Cairn et al Wayne 08-16-027-20 W4M
01-111	Wascana Energy Inc. (Nexen Energy Inc.) /Reclamation Certificate No. 00140250-00-00 (Ken Hildebrandt)
01-122	Mama Santos Holdings Ltd./Reclamation Certificate 00139560-00-00 (Lionel Miller)

6. ADMINISTRATIVE PENALTIES

01-010	Kedon Waste Services Ltd. and Lethbridge Regional Landfill Ltd./Administrative Penalty No. 00/03-BOW-AP-00/34
01-036	DVP Purchase Corp./Administrative Penalty No. 01/01-NES-AP-01/01
01-090	Burnswest Corporation and Tiamat Environmental/Administrative Penalty No. 01/10-BOW-AP-01/10
01-116	Wintergreen Family Resorts Ltd. And Resorts of the Canadian Rockies Inc./Administrative Penalty No. 01/29-BOW-AP-01/03
01-117	Glenn Good/Administrative Penalty No. 01/18-BOW-AP-02/04
01-118	County of Newell No. 4/Administrative Penalty No 01/27-BOW-AP-02/06

7. LACK OF JURISDICTION

01-073	AES Calgary - Gas Fired Power Plant West of Chestermere (EUB Application #2001113) (John, Steven, Julie & Leanne Jenkins)